

1 30 prosecutions of offenses under the election code by
2 prosecutors from the Office of Attorney General,
3 again, often working in conjunction with local
4 prosecuting attorneys in Texas counties. And in terms
5 of the cases that have been prosecuted, three of those
6 cases involved General Elections, the other 27 involve
7 Party Primary or Special or Local Elections.

8 The 30 cases involved in general, fact
9 scenarios such as these, unlawful abuse of the mail-in
10 ballot process, campaign finance violations, unlawful
11 conduct at the polling place and other obstruction of
12 the elections process.

13 Finally to give you a general idea of
14 the kinds of cases that go behind these numbers, I
15 just want to briefly lay out a couple of fact patterns
16 for you. The first fact pattern that I've talked
17 about in the House Elections Committee before resulted
18 in a five-year sentence by a jury for a defendant who
19 was involved in a scheme that resulted in two resident
20 aliens voting improperly in a Local Party Primary
21 Election. This case arose out of Calhoun County. It
22 was tried in Jackson County.

23 The second fact pattern concerns persons
24 who fill out voter registration applications using
25 names and/or addresses of nonexistent persons. We've

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1 had several cases that have involved that fact
2 scenario.

3 The third fact pattern involves
4 situations in which a person attempts to impersonate
5 or does impersonate others in casting a ballot.
6 There's one case that's been prosecuted that I think
7 you-all have heard about involving an attempt to vote
8 a mail-in ballot of a deceased mother.

9 SEN. DUNCAN: I'm sorry. Your time has
10 expired.

11 Senator Huffman, you're recognized.

12 **QUESTIONS FROM SENATE FLOOR**

13 SEN. HUFFMAN: Thank you, Mr. Chair.

14 Mr. Nichols, did you want to just finish
15 quickly?

16 MR. NICHOLS: Just real quick.

17 SEN. HUFFMAN: Okay.

18 MR. NICHOLS: I just wanted to finish
19 that. On the fact pattern is also evident in cases
20 that are under investigation by our office where there
21 are allegations that votes were cast at the polling
22 place by persons other than the registered voter.

23 And with that, there were some
24 additional items that I want to speak about, but I'll
25 be happy to answer questions.

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1 SEN. HUFFMAN: All right. Basically I
2 just want to summarize that it is -- the way that the
3 Attorney General starts investigating the case is
4 always through a referral from the local officials.
5 Is that correct?

6 MR. NICHOLS: Yes, Senator. It can come
7 from the Secretary of State, from voters through the
8 election code or from local Election Officials or
9 other local law enforcement.

10 SEN. HUFFMAN: Has the AG taken on the
11 responsibility of going out into the communities and
12 sitting up at polling places or going to the
13 registrar's office in any way, shape or form?

14 MR. NICHOLS: No, Senator. That's not
15 our charge.

16 SEN. HUFFMAN: All right. In looking at
17 the numbers that you've given us and that you've
18 summarized, it's clear that, in fact, there are a lot
19 of difficulties in prosecuting these cases. Is that
20 correct?

21 MR. NICHOLS: It is. It depends on the
22 kind of violation involved, but all cases of this type
23 are difficult to both investigate and prosecute.

24 SEN. HUFFMAN: And is that just the
25 nature of the cases and the fact that, of course, they

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1 have to be proved like any other criminal case, and
2 that is, you have to -- the level of proof is proof
3 beyond a reasonable doubt. Is that correct?

4 MR. NICHOLS: Absolutely. As you know,
5 there are certain screenings that go on through the
6 investigation of a case, both internally and of the
7 law enforcement agency. All the cases that we
8 prosecute are eventually -- if there is a decision
9 made to proceed to a grand jury, to present it to a
10 grand jury which makes the decision as to whether
11 charges will issue. And then, of course, you've got
12 ultimately a jury trial where those allegations don't
13 mean anything unless a jury of that person's peers
14 enters a conviction.

15 SEN. HUFFMAN: Would the bill that's
16 being proposed that would establish or attempt to
17 establish voter identity assist in the prosecution of
18 at least some of these cases to help to establish the
19 identity element that is often missing or just
20 impossible to prove under current law?

21 MR. NICHOLS: Well, Senator, I don't
22 understand that I'm here to testify about the bill one
23 way or the other.

24 What I would say just generally speaking
25 any effort that would assist in detecting persons who

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1 attempt to vote illegally could conceivably give rise
2 to evidence that would be useful in a criminal case.

3 SEN. HUFFMAN: All right. I want to ask
4 you about a document that we have and ask you if it is
5 a work product of the AG's Office that we can enter
6 into the record.

7 Mr. Chair, may I have permission to
8 approach the witness? Mr. Chair, may I approach the
9 witness briefly to show him --

10 SEN. WHITMIRE: Sen. Duncan, she wants
11 to approach the witness.

12 SEN. HUFFMAN: I can? Okay. May I
13 approach the witness briefly to show him a document?

14 SEN. DUNCAN: Yes.

15 SEN. HUFFMAN: Thank you, sir.

16 (Discussion off the record)

17 SEN. HUFFMAN: All right. If I may
18 proceed? What I'd like you to clarify, there's been a
19 lot of testimony, I guess, in the last 20 hours or so
20 about money that was spent by the AG's Office in
21 investigation of voter fraud cases. I want to make
22 sure that the record is clear what the actual facts
23 are. So if we could go through those, or if you have
24 a summary of that and you want to give that to me for
25 the record, we could do that and go through that

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1 quickly.

2 MR. NICHOLS: I can.

3 SEN. HUFFMAN: Please do that.

4 MR. NICHOLS: It has -- it has been
5 reported initially in the media and has been repeated
6 by certain folks that the AG's Office spent
7 1.4 million on cases that the AG's Office has
8 prosecuted under the election code. This information
9 that apparently has been provided to members of this
10 body is inaccurate. The confusion stems, I think,
11 from the fact that there were references to the grant
12 funding when the Special Investigations Unit of the
13 Criminal Investigations Division was created. And
14 people reached the conclusion that because it was
15 funded through grant funding that all that money was
16 used to prosecute and investigate election code cases,
17 which is inaccurate.

18 As a matter of fact, if you go to the
19 grant package that sought that funding, the grant
20 package made it clear that that funding would be used
21 to prosecute not just election code cases, but cases
22 of public corruption, fugitive apprehension, child
23 protection such as on-line solicitation and child
24 pornography cases, as well as a host of other matters.

25 And so, in fact, if you crunch the

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1 numbers and trace those grant funds, you'll find at
2 the end of the day that with respect to the OAG's
3 election code prosecutions, \$93,579 of that grant
4 funding can be traced to those prosecutions. And so
5 it's just an example, in my mind, of how everyone,
6 including members of this body through no fault of
7 their own, need to be careful about information that's
8 being provided to them about the OAG's enforcement
9 efforts because sometimes that information can be less
10 than accurate.

11 SEN. HUFFMAN: All right. Thank you,
12 sir. One last question. There's also been some
13 testimony about a depiction of a sickle cell anemia
14 stamp that was shown I believe on a PowerPoint
15 presentation that was presented perhaps from someone
16 from the AG's Office at some point somewhere. Are you
17 familiar with why a sickle cell anemia stamp was used
18 in a presentation from the AG's Office? And explain
19 that, please.

20 MR. NICHOLS: Yes, I am. That slide
21 actually took evidence from an actual case. It was
22 the Willie Ray case that you-all heard a little bit
23 about today. And that stamp that was actual evidence
24 from a criminal case was included on a slide that had
25 as one of the bullet points the words "unique stamp."

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1 The point of that PowerPoint that was
2 produced was to try to educate law enforcement
3 officers about ways they could investigate potential
4 cases of election code violations. The point of
5 including that evidence was to show that in a
6 particular case, in the Willie Ray case, a key facet
7 of that case was the use of the unique stamp. It
8 didn't matter if it was a sickle cell stamp, a Lou
9 Gehrig stamp, an Abraham Lincoln stamp, it wouldn't
10 matter.

11 The point is that the fact that that
12 stamp was used on a number of mail-in ballots allowed
13 the investigators to go trace those ballots back to a
14 single source, which of course is the charge that
15 Willie Ray was ultimately charged with.

16 So first of all, I wasn't at the office
17 at the time. In hindsight I can see how somebody
18 would look at a PowerPoint like that, and frankly
19 given the sensitivities involved, somebody might be
20 offended by that, but it is important to understand
21 exactly why that PowerPoint was put together.

22 SEN. HUFFMAN: All right. Thank you.
23 Thank you very much, Mr. Nichols.

24 SEN. DUNCAN: Thank you, Senator.

25 Sen. Hegar?

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1 SEN. HEGAR: Thank you, Mr. Chairman.

2 Mr. Nichols, I was curious, you were
3 talking about Port Lavaca -- the Port Lavaca case, and
4 that's in Senate District 18, which I represent, and
5 you were finishing your comments on that or part way
6 through, and I just wanted to make sure that you were
7 able to finish your comments on that particular case.
8 And I was also curious when you were finishing those
9 comments, because that was a really unique set of
10 circumstances in a three-way race, if I remember, did
11 the voter fraud change the outcome of that election?
12 If you could finish that up for me, please?

13 MR. NICHOLS: Yes, sir. Just very
14 briefly that case involved a situation where the
15 defendant in the case presented voter registration
16 applications to seven persons who were not qualified
17 to vote because they were noncitizens. The facts of
18 the case as presented at trial showed that the
19 defendant filled out the application on behalf of
20 these persons who were resident aliens, but were not
21 qualified to vote or eligible. The defendant
22 basically misrepresented facts to these resident
23 aliens and took those completed applications to the
24 local elections office to be processed.

25 And the evidence further revealed that

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1 of the folks that were registered, two of the
2 noncitizens, in fact, voted early in person at a Party
3 Primary Election. And because the defendant had
4 misrepresented things to these resident aliens, it was
5 a situation where not only the election system was put
6 in jeopardy, but these victims -- we considered the
7 resident aliens to be victims because, in fact, she
8 had subjected them to a situation where, if they were
9 prosecuted, there could be ramifications for them as
10 well.

11 In terms of the outcome of the election
12 which you asked about, the testimony at trial showed
13 that the noncitizen votes did affect the outcome of
14 the election. In that case, it was a three-way race.
15 The defendant received 229 votes. Her runners up
16 received 211 and 210 respectively. And after the
17 count was had, the two lower tallied candidates had to
18 do a coin flip in order to determine who was going to
19 be in the runoff. And then as the D.A -- local D.A.
20 who helped prosecute the case said the defendant's
21 conduct "would have swayed the entire election."

22 SEN. HEGAR: Thank you. I really
23 appreciate that. And one thing that you said I wanted
24 to make sure I heard that correctly, did you say that
25 your office prosecuted the case or it was the locals,

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1 or did you say that was joint? I was just curious on
2 that.

3 MR. NICHOLS: We did it together as we
4 often do. In many of these cases, we prosecute in
5 conjunction with -- actually in that case it was two
6 local D.A.s.

7 SEN. HEGAR: Okay.

8 MR. NICHOLS: The case originated in
9 Calhoun County. That was where the city councilwoman
10 was from where the election was had. The case was
11 moved under change of venue to Jackson County, and so
12 we actually had two local elected D.A.s that were
13 involved in that case.

14 SEN. HEGAR: Okay. Great. Thank you
15 very much for your testimony. I appreciate it. Thank
16 you.

17 SEN. DUNCAN: Sen. Davis?

18 SEN. DAVIS: Hello, Mr. Nichols. Thank
19 you for waiting so long to come before us today and
20 present your testimony. I just have a couple of
21 questions for you. A moment ago -- I want to make
22 sure I heard you correctly. You said that from August
23 of 2002 to the present 192 referrals of voter fraud --
24 alleged voter fraud had been made to the Office of the
25 Attorney General?

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1 MR. NICHOLS: That's correct, alleged
2 election code violations.

3 SEN. DAVIS: Okay. And that you act
4 only on referrals because you don't have the manpower
5 and the ability to go out policing polling places
6 through the Attorney General's Office?

7 MR. NICHOLS: And, Senator, it's not
8 really just a manpower issue, but it's just a mandate
9 issue. We're not intended to be the -- a front-line
10 monitor of the elections.

11 SEN. DAVIS: Understood. Of those 192
12 referrals, you broke them down in terms of where the
13 referrals came from. You also broke them down with
14 regard to the type of elections in which those
15 referrals occurred. Can you tell me -- and I'm sure
16 you said this a moment ago, but I didn't catch it --
17 how many prosecutions resulted from those 192
18 referrals?

19 MR. NICHOLS: It was 30.

20 SEN. DAVIS: Thirty, okay. And I think
21 you did this a moment ago, too, but I didn't catch all
22 of it. Can you break down of the 30 prosecutions the
23 categories in which each of those were prosecuted?

24 MR. NICHOLS: Categories as with respect
25 to the type of election or --

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1 SEN. DAVIS: Exactly -- no, not the type
2 of election, but the type of fraud that occurred that
3 you were prosecuting.

4 MR. NICHOLS: I don't have those figures
5 for you. I can tell you generally that some involved
6 the abuse of the mail-in ballot process, some involved
7 campaign finance violations, unlawful conduct of
8 polling places and other obstruction, but I could
9 break those down for you further if you want me to get
10 you that information.

11 SEN. DAVIS: Okay. I would appreciate
12 it if you would do that breakdown for us and supply it
13 to the Members.

14 You did say I think a moment ago that
15 one of those cases involved a voter impersonation, and
16 that was the situation where a woman sent in a mail-in
17 ballot of her deceased mother. Correct?

18 MR. NICHOLS: That's one of the cases,
19 yes.

20 SEN. DAVIS: Okay. I am reading a
21 communication from our Attorney General Greg Abbott.
22 It was an Internet communication titled Let's Stamp
23 Out Voter Fraud in Texas. And in that communication
24 the Attorney General states that "Voter fraud is
25 occurring on a large scale when viewed statewide, and

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1 consequently our state elections are significantly
2 impacted. We must redouble our efforts to stem this
3 epidemic." And again, that's dated March 1, 2006.
4 But I want to make sure I understood you a moment ago.
5 This epidemic involved 192 referrals made from your --
6 made to your office from August 2002 to the present?

7 MR. NICHOLS: If your question is did we
8 receive -- did our office receive 192 referrals during
9 that period you mentioned, that's correct.

10 SEN. DAVIS: Okay. And then further in
11 that communication -- and this goes to support the
12 answers that you gave to Senator Huffman a moment ago.
13 Attorney General Abbott talks about the \$1.5 million
14 grant and the way in which he's going to use that
15 grant through the powers of his office. And he states
16 that "Officers from the Special Investigation Unit
17 have been visiting key counties across the state to
18 conduct voter fraud training for law enforcement.
19 Included among these counties are the 14 where my
20 office has previously investigated or prosecuted
21 alleged election code violations. In addition to the
22 ones mentioned above, the list includes comal, Floyd,
23 Harris, Hidalgo, Jim Wells, Parker, Robertson, Tarrant
24 and Waller Counties. Criminal investigators from SIU
25 are also visiting 30 other Texas counties with

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1 populations of at least 100,000. Together these 44
2 counties contain more than three quarters of eligible
3 registered voters in the state. As of mid February, a
4 total of 519 officers had attended 76 sessions
5 offered." And again, this was a communication on
6 March 1, 2006.

7 With the expenditure of that
8 \$1.5 million grant which went to aggressively train
9 law enforcement throughout our state and which, of
10 course, was used in part, I think you said, for
11 purposes of rooting out and prosecuting voter fraud to
12 quote the statement by the Attorney General in this
13 communication, with all of that money and all of that
14 training and all of this focus on what is an effort
15 "to stem an epidemic," from August 2002 to the
16 present, there were only 192 referrals made and
17 investigations pursued by the Attorney General's
18 Office of election fraud allegations in the State of
19 Texas?

20 MR. NICHOLS: Senator, it was a lot in
21 that question, but I think I tried to clarify in
22 response to an earlier question about the 1.5. So to
23 the extent that anyone is operating under a
24 misapprehension that that 1.5 million was spent on
25 election code cases alone, that's what I was trying to

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1 clear up for the record.

2 But again, if your question to me is not
3 taking into account local prosecutors, what referrals
4 our agency has seen to the three sources I talked
5 about, you're correct, it's 192 over the time period
6 August 2002 to the present.

7 SEN. DAVIS: Thank you very much,
8 Mr. Nichols. I don't have any further questions.

9 SEN. DUNCAN: The Chair recognizes
10 Sen. Wentworth.

11 SEN. WENTWORTH: Mr. Nichols, it's
12 pretty late, and I didn't hear everything that was
13 said, but I want to make sure I did understand because
14 I had heard it repeated several times that your office
15 hadn't spent \$1.4 million on this. I think in
16 response to Senator Huffman you reported that, in
17 fact, it's not \$1.4 million. It's not even \$100,000.
18 It's less than \$100,000. So \$1,300,000 plus went to
19 other things from that grant rather than election
20 fraud cases. Did I -- did I hear that correctly?

21 MR. NICHOLS: Yes, sir. And in fact --

22 SEN. WENTWORTH: What was -- what was
23 the exact figure?

24 MR. NICHOLS: Yes, sir. There were two
25 figures. The initial grant was funded at 1.4. It was

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1 renewed for another year through the Governor's Office
2 for 1.9. So actually ultimately there was a total of
3 3.3 in grant funding for the Special Investigations
4 Unit, which \$3.1 million was ultimately spent by the
5 SIU. And of that \$3.1 million, \$93,579 was spent on
6 election code cases. Now, of course, we've spent more
7 money than that on election code cases and
8 prosecutions, but the suggestion that \$1.4 million in
9 grant funding was spent to prosecute 30 cases is -- is
10 completely inaccurate.

11 SEN. WENTWORTH: Thank you, sir.

12 SEN. DUNCAN: The Chair recognizes
13 Sen. Shapleigh.

14 SEN. SHAPLEIGH: Thank you, Mr. Chair.

15 Mr. Nichols, I believe Sen. Huffman is
16 going to offer this exhibit. You and I looked at it.
17 This was prepared by you and your office. I think
18 it's going to be hopefully Exhibit No. 38. I'm
19 looking here at SIU funding. Here is what this says.
20 "The initial \$1.9 million DOJ grant was renewed for
21 approximately \$2.0 million. To date the OAG has
22 resolved 22 election fraud prosecutions at a cost of
23 \$600,000. Of those 22, eight election fraud
24 indictments are now pending."

25 So can you tell us of the 22 election

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1 fraud prosecutions, which are the sum of the activity
2 from the 192 referrals, how many involved minorities?

3 MR. NICHOLS: How many involved what,
4 sir?

5 SEN. SHAPLEIGH: Minorities.

6 MR. NICHOLS: I can't tell you. I don't
7 track cases by that. I would never do that.

8 SEN. SHAPLEIGH: Okay. Thank you.

9 SEN. DUNCAN: There are no other members
10 in queue for this witness. You are excused,
11 Mr. Nichols.

12 MR. NICHOLS: Thank you.

13 SEN. DUNCAN: Thank you for your
14 testimony.

15 The Chair recognizes Sen. Watson to
16 introduce an exhibit.

17 SEN. WATSON: Thank you, Mr. Chairman.
18 When the Deputy Secretary of State was here, I
19 identified with him an exhibit that was a page from
20 the House, a report that they had made from the
21 Secretary of State's Office to the House Elections
22 Committee that had two categories. It was voter --
23 registered voters since January 1, 2006 was in the
24 upper category, and then there was a breakdown, and
25 then all statewide voters. That has been marked as

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1 Exhibit No. 38, and I would offer that as part of the
2 record.

3 SEN. DUNCAN: All right. Senator, it
4 will be made a part of the record, Exhibit 38.

5 (Exhibit No. 38 marked and admitted)

6 SEN. DUNCAN: Sen. Huffman, for what
7 purpose?

8 SEN. HUFFMAN: Yes, Mr. -- I just need
9 to offer the exhibit that Mr. Nichols testified from.
10 It will be Exhibit No. 39 for the record.

11 SEN. DUNCAN: Would you describe it?

12 SEN. HUFFMAN: It is the facts of the
13 Special Investigations Unit that gave the numbers of
14 the amounts spent on the prosecutions that Mr. Nichols
15 testified to, and he was questioned by Sen. Davis and
16 Sen. Shapleigh.

17 SEN. DUNCAN: That will be Exhibit 39.
18 Correct?

19 SEN. HUFFMAN: Yes, yes.

20 SEN. DUNCAN: All right. It will be
21 placed into the record.

22 (Exhibit No. 39 marked and admitted)

23 SEN. HUFFMAN: Thank you, sir.

24 SEN. DUNCAN: Sen. Williams, for what
25 purpose?

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1 SEN. WILLIAMS: Mr. Chairman, I have two
2 documents that I'd like to enter into the record. One
3 is the Supreme Court Case William Crawford vs. Marion
4 County Election Board, and the other document is the
5 amicus brief that the State of Texas filed with the
6 Supreme Court of the United States in the same case.

7 SEN. DUNCAN: Okay. I believe the case
8 would be Exhibit No. 40, and the amicus brief that you
9 referred to would be Exhibit 41.

10 SEN. WILLIAMS: Thank you, Mr. Chairman.

11 SEN. DUNCAN: And they will be admitted
12 in the record.

13 (Exhibit Nos. 40 and 41 marked and
14 admitted)

15 SEN. DUNCAN: All right. Members, that
16 concludes the invited testimony. I will now at this
17 point in time -- here is the intent of the Chair, is
18 to move into our public testimony. We have been going
19 about two hours, so it's time for our court reporter
20 to take a break.

21 But before we do that, I'm going to read
22 the names of those ten witnesses that we will ask for
23 you to come to the registration desk, and you'll be
24 admitted and made ready to enter the chamber and give
25 your testimony. And then as that process goes on,

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1 we'll sooner -- we will call at some time later ten
2 more witnesses and ask you to report.

3 Again, at this point in time, we will
4 invoke the 30-minute rule again.

5 (Inaudible)

6 SEN. DUNCAN: No, the 30-minute rule
7 will mean that if you -- if your name is called and
8 you haven't arrived in 30 minutes, then you would lose
9 your opportunity to testify. So please -- please try
10 to adhere to that. Each witness will have three
11 minutes, and that limit will be strictly enforced.

12 The first witness I'll call is Claire
13 Oxley Gluck; the second witness, Hazel Cotton; the
14 third witness, Cathy Hicks; the next witness
15 James E. Carter; the next is Rusty Hicks; the next
16 is Tina Benkiser; the next is B.R. Skipper Wallace;
17 the next witness is Anita Pruet -- or Privett, I'm
18 sorry, P-R-I-V-E-T-T, 1212 Guadalupe, No. 107, Austin,
19 Texas, League of Women Voters; Mary Ann Collins of
20 Dumas Texas; Rosa Rosales, and those will be the
21 first -- that will be the first panel of witnesses to
22 bring into the chamber one at a time.

23 SEN. FRASER: Mr. Chairman?

24 SEN. DUNCAN: Who is this,
25 Sen. Williams? Sen. Fraser?

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1 SEN. FRASER: A question of the Chair,
2 please.

3 SEN. DUNCAN: State your question.

4 SEN. FRASER: Could we get a
5 clarification on the intent of the Chair, is that
6 obviously these people that have been here all night
7 and have registered, obviously we want to hear from
8 all of them, but the question would be that the people
9 that have registered, are those the people that will
10 be testifying on the bill? And the question would be
11 if someone came in two hours from now and attempted to
12 register, are we -- the testimony that we're hearing,
13 is it going to be for the people that have registered
14 for the bill right now?

15 SEN. DUNCAN: It is for people that have
16 registered for the bill.

17 SEN. FRASER: If someone attempted to
18 register an hour from now --

19 SEN. DUNCAN: Senator, we're still open
20 for public testimony.

21 SEN. FRASER: Thank you.

22 SEN. DUNCAN: The committee will stand
23 at ease until 7 a.m.

24 (Recess: 6:50 a.m. to 7:03 a.m.)
25

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PUBLIC TESTIMONY

SEN. DUNCAN: Okay. Members, we are now ready to begin our public testimony. I'll give you just a second to take your seats.

(Brief pause)

All right. The Chair will call the first public witness, Claire Oxley Gluck. Ms. Gluck, please approach, state your name, who you represent. You have three minutes.

TESTIMONY BY CLAIRE OXLEY GLUCK

MS. GLUCK: Mr. President, Distinguished Senators, I'm Claire Oxley Gluck from Boerne in Kendall County, Sen. Wentworth's district. Thank you -- I'm representing myself. Thank you for this opportunity to testify on an issue of fundamental importance to our democracy, the right to vote.

My husband, who is Jewish, has often quoted a poem from Martin Niemoller which I would like to paraphrase to illustrate what is at stake. "In Texas they first disenfranchised the homeless, and I did not speak up because I was not homeless. Then they disenfranchised the poor and elderly, and I didn't speak up because I wasn't poor or elderly. Then they disenfranchised the students, and I didn't speak up because I wasn't a student. And then they

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1 disenfranchised me, and there was no one left who
2 would speak up." So I must now speak up clearly.

3 We in this chamber are, for the most
4 part, people of privilege. We are educated and so we
5 know how to fight for our rights. We have homes and
6 so we have addresses. We have cars so we have
7 driver's licenses. We would not be affected
8 personally by Senate Bill 362, but we have a duty to
9 ensure that no Texan is prevented from voting for lack
10 of a government-issued photo ID.

11 It's important to reiterate that we all
12 want fair elections. They are the cornerstone of our
13 democracy. One element of fairness is the prevention
14 of fraud. An equally important element is universal
15 suffrage. The problem with Senate Bill 362 is that it
16 would reduce fairness rather than promote it. This
17 bill would hinder universal suffrage without
18 addressing the main sources of voter fraud.

19 According to the witnesses we've heard
20 over the last 24 hours and academic studies,
21 nonpartisan studies, voter fraud is most likely to
22 occur in absentee ballots, which this bill would not
23 affect. Those studies also indicate that it is
24 extremely rare for a person to go to a polling place
25 and vote using someone else's voter registration card.

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1 I urge you not to pass Senate Bill 362.
2 It poses a sure threat of disenfranchising legitimate
3 voters in order to prevent a hypothetical risk of
4 fraud that has not been shown to occur. Thank you
5 very much.

6 SEN. DUNCAN: Thank you, Ms. Gluck. Any
7 questions, Members?

8 (No response)

9 SEN. DUNCAN: The Chair the hears none.
10 I appreciate your testimony today.

11 The next witness is -- I think she has a
12 handout, and that will be exhibit -- Ms. Oxley's
13 handout is Exhibit No. 42, and it will be admitted
14 into the record.

15 (Exhibit No. 42 marked and admitted)

16 **TESTIMONY BY HAZEL COTTON**

17 SEN. DUNCAN: The Chair calls Hazel
18 Cotton. Ms. Cotton, you have three minutes. State
19 your name and who you represent.

20 MS. COTTON: I'm Hazel Cotton. I'm from
21 Texarkana, Texas. I am an election judge now. I have
22 worked elections since the year 2000 in every capacity
23 imaginable, clerk, poll worker, alternate judge,
24 presiding judge. I have been presiding judge over
25 eight elections starting in May 2006, which was a

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1 local election.

2 Sen. Fraser talked about a lady in a
3 funny hat that came to the poll twice with two
4 different voter registration cards and attempted to
5 vote both. I have a similar situation that happened
6 to me in the 2000 General Election. It was my first,
7 and the day was barely two hours old when a man came
8 in in an unusual western shirt. He presented me with
9 his voter card. I looked him up on the roll, found
10 him and he voted.

11 You can imagine my surprise when an hour
12 later he came in again and got in the other line as we
13 were working two lines at the same time. He was going
14 to vote. I saw him, and the election judge also saw
15 him. She stared him down, and he left in a hurry. He
16 was going to vote twice if he had not had on that
17 unusual shirt. This could have been prevented had we
18 had a decent voter ID law in place.

19 A lot of issues have been raised in the
20 past 24 hours regarding ID cards. This is the 21st
21 century. In theory everyone should have a picture ID.
22 We use them for everything, as we mentioned earlier,
23 from cashing a check to going through an airport.
24 There are people who don't drive or can't drive. They
25 can go to the Department of Public Safety and get an

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1 ID card at a reasonable cost.

2 There is a blind woman who votes at my
3 poll nearly every election. She uses such an ID card.
4 I also am legally blind, and I have an ID, a picture
5 ID that I wouldn't leave home without. I do use it,
6 and I would encourage you-all to -- for the reasons I
7 have stated to pass the voter ID bill. Thank you very
8 much.

9 SEN. DUNCAN: Thank you, Ms. Cotton.
10 Ms. Cotton has written testimony. It's marked as
11 Exhibit No. 43. It will be admitted into the record.

12 (Exhibit No. 43 marked and admitted)

13 SEN. DUNCAN: Are there any questions of
14 the witness? The Chair hears none.

15 SEN. SHAPLEIGH: Mr. Chair? Mr. Chair,
16 may I ask one question?

17 **QUESTIONS FROM SENATE FLOOR**

18 SEN. DUNCAN: Sen. Shapleigh, you're
19 recognized.

20 Ms. Cotton, your -- we have a question.

21 SEN. SHAPLEIGH: I'm sorry. I just need
22 to know the final end of the story here.

23 MS. COTTON: Oh.

24 SEN. SHAPLEIGH: Did you let him vote
25 the second one -- the second time?

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1 MS. COTTON: Okay. The second time the
2 presiding judge saw the man, and they got into a
3 staring contest at which time he left the poll.

4 SEN. SHAPLEIGH: So he did not vote the
5 second time?

6 MS. COTTON: He did not vote. He
7 actually left in a hurry. He left in a dead trot.

8 SEN. SHAPLEIGH: Thank you.

9 MS. COTTON: Uh-huh.

10 SEN. DUNCAN: Thank you, Ms. Cotton.

11 MS. COTTON: Anything else?

12 SEN. DUNCAN: Members, any other
13 questions?

14 (No response)

15 SEN. DUNCAN: All right. The Chair
16 hears none.

17 The next witness is Kathy Hicks.

18 **TESTIMONY BY KATHY HICKS**

19 MS. HICKS: I would like to thank
20 everyone.

21 SEN. DUNCAN: Ms. Hicks, state your name
22 and who you represent. You have three minutes.

23 MS. HICKS: My name is Kathy Hicks. I'm
24 from Bowie County. I would like to thank all the
25 Texas Senators here for the opportunity to speak in

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1 front of you.

2 I have been studying election
3 irregularities since 1992 and a poll watcher since
4 1996. I have a sworn affidavit from a Mr. Ira Stewart
5 of Bowie County that was made available to me through
6 American International Investigators out of De Leon,
7 Texas.

8 On Mr. Ira Stewart's absentee by mail
9 application that he did not request nor did he sign,
10 the name "Ora Stewart" is filled in and the signature
11 is signed. There was no registration number or
12 application on the application by mail nor one filled
13 in when stamped by the clerk.

14 I would like to read you his statement.
15 "My name is Ira Stewart. I'm above the age of 18
16 years and am of sound mind. I have a personal
17 knowledge of the facts stated herein under oath as
18 follows: I live at 104 Brown in Texarkana, Bowie
19 County, Texas. I received an absentee ballot in the
20 mail. I don't remember how a ballot was mailed to me
21 or why. Willie Ray came by my house and asked me to
22 sign the blank ballot. I did not fill it in. The
23 ballot -- I did not fill the ballot in. The ballot --
24 but I did sign it. Ms. Ray then took my ballot and
25 told me that she would take care of it. Mr. Don

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1 Praiznor wrote this statement for me at my request.
2 This completes my statement."

3 As you-all will see, I made 40 copies.
4 Everybody has one. He cannot barely even sign his
5 name. On his applications, they are signed as it was
6 on his voter registration card back in 1988.

7 Back in 1996 we had a County Clerk named
8 Marylene Megason. She was indicted. She was removed.
9 I don't have a fact -- you will see as his voter
10 registration card will show, there is an "i" inside of
11 that "o." We believe that the County Clerk was in on
12 helping change his application.

13 I also have here a Ms. Doris Harene
14 Miles where she states she did not request or fill out
15 an application for ballot by mail, and she doesn't
16 know why she received an absentee ballot by mail. She
17 stated that Willie Ray got her to fill out the
18 absentee ballot, and Ms. Ray put the postage stamp on
19 it, a sickle cell postage stamp, and took it. She
20 later on went to the polls, and they said "oh, no, you
21 have voted." So she did not get to vote, but actually
22 she did vote, but she was confused because she didn't
23 request the ballot, but the ballot came to her.

24 Also here I have a statement -- I'm
25 going to leave it with you because I didn't make 40

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1 copies -- which shows that Willie Ray came by another
2 lady's house by the name of the Jolene -- did the same
3 set up, she came by, she got the application, she came
4 back when the ballot got there, but she told her how
5 to vote because Murphy could care less how she voted.
6 I'd like to leave this with you.

7 SEN. DUNCAN: All right. Thank you for
8 your testimony. Ms. Hicks has presented written
9 testimony, which will be Exhibit No. 44. It will be
10 admitted into the record.

11 (Exhibit No. 44 marked and admitted)

12 SEN. DUNCAN: Are there any questions of
13 Ms. Hicks?

14 (No response)

15 SEN. DUNCAN: Thank you, Ms. Hicks, for
16 your testimony in the Texas Senate.

17 **TESTIMONY BY JAMES E. CARTER**

18 SEN. DUNCAN: The next witness is
19 James E. Carter. Mr. Carter, would you please
20 approach, state your name, who you represent? And you
21 have three minutes.

22 MR. CARTER: James Carter. I'm going to
23 be speaking to you from two positions. One I have --
24 I am serving as the training officer for the Bell
25 County Republican Executive Committee under the

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1 provisions of 32.113 of the election code, which
2 mandates that training be provided; secondly as an
3 election judge, and I have been an election clerk and
4 judge since about 1990 on my own in the precinct.

5 The training that I mentioned is given
6 to the election judges and clerks. It is based on
7 material provided by the Secretary of State and a
8 handbook that's called the -- Training for the Judges
9 and Clerks put out every two years. The current
10 version is 2008-2009. A copy of that is provided to
11 each election worker. It is of such a nature that it
12 can be taken to the polls for reference purposes.

13 However, here is the key thing: The
14 majority of these election workers may have worked
15 only one, two, possibly three elections in a two-year
16 period. Some are working for the first time, and yet
17 they are expected to perform and serve anywhere from
18 30 to 50 percent of their precinct's eligible voters
19 on election day. That is a tremendous amount of
20 people to process in a short period of time, and yet
21 they're expected to do it perfectly.

22 They take an oath to protect the
23 integrity and purity of the election before the polls
24 open. They take that oath very seriously and become
25 very concerned when they lack a key tool to prove that

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1 the individual appearing before them is who they
2 represent themselves to be. That is a photo ID that
3 verifies that person is exactly whom they represent.

4 After the polls have closed a couple
5 weeks later, we have become aware that judges and
6 clerks come in and say "I saw a person vote twice."
7 In the Primary, we're told that one person voted in
8 the Republican Primary. Subsequently later that
9 person was seen to exit the Democrat side on the other
10 side.

11 We need to pass this bill to prevent
12 consternation and protect the integrity of our
13 election process. Thank you.

14 SEN. DUNCAN: Thank you, Mr. Carter.
15 Members, are there any questions of Mr. Carter?

16 (No response)

17 SEN. DUNCAN: All right. The Chair
18 hears none. Thank you for your testimony.

19 **TESTIMONY BY RUSTY HICKS**

20 SEN. DUNCAN: Rusty Hicks? Mr. Hicks,
21 you have three minutes. Please state your name and
22 who you represent.

23 MR. HICKS: My name is Rusty Hicks. I'm
24 a resident of Texarkana, Texas, in Bowie County. I've
25 been active and concerned about the integrity of the

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1 election process for many years. Over this time, I
2 have discovered many irregularities in the voting
3 process of Bowie County and the City of Texarkana,
4 Texas. After inspecting the sign-in sheets of early
5 voting in person, including the '08 Primary, it was
6 discovered that three voters voted early in person
7 claiming residency at an address no one seems to live.

8 After further inquiry into this matter,
9 it was determined that this location was vacant and
10 currently vacant to this day. This location is 1617
11 Gatling Street in Texarkana, Texas, which is owned by
12 a standing city council member, Willie Ray, who voted
13 using this address. It has been discovered that
14 Ms. Ray actually resides at 574 County Road 1224
15 outside of Texarkana, Texas, outside the city limits
16 since the year 2000.

17 If a proper and accurate and current
18 photo ID was given at the polling place, the election
19 judge would have discovered that these voters were
20 ineligible to vote from this location. It is also a
21 major concern that Ms. Ray is not eligible to obtain
22 the city's council status. What is most alarming
23 about this matter is that Ms. Ray had a lawsuit, state
24 versus -- Ray vs. the State of Texas and claims
25 residency owned -- under oath at 1617 Gatling Street

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1 in this federal lawsuit.

2 I appreciate the opportunity to testify
3 in front of the Texas Senate. As you hear testimony
4 for and against this voter ID bill, it is my
5 experience that voter identification can only improve
6 the integrity of the election process. My
7 recommendation would be to vote yes for SB 362. And I
8 do have an exhibit -- two exhibits of current next
9 door neighbors to this Ms. Ray. They are sworn and
10 notarized testimony that they have been living next to
11 her for nine years.

12 SEN. DUNCAN: All right. Thank you,
13 Mr. Hicks. That will be Exhibit 45, and it will be
14 admitted into the record.

15 (Exhibit No. 45 marked and admitted)

16 SEN. DUNCAN: Do you have anything --
17 anything further?

18 MR. HICKS: No, sir.

19 SEN. DUNCAN: Okay. Members, are there
20 any questions for Mr. Hicks?

21 (No response)

22 SEN. DUNCAN: All right. The Chair
23 hears none. Thank you for your testimony.

24 Members and also guests, we have -- I'll
25 read the next ten witnesses. And if you'll report to

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1 the registration desk in the front, then you'll be
2 admitted to the chamber: Dustin Rynders; Marcia
3 Correia of Elgin, Texas; Rene Lara of Austin, Texas;
4 Lee Medley of Santa Fe, Texas; John Watkins of Wells
5 Point; Kenneth Flippin of Austin; Annie M. Banks of
6 Houston; Rachel Hernandez, San Antonio; Renato de los
7 Santos from Dallas; and Judy Holloway of Lakeway.
8 Please report to the registration desk and you'll be
9 admitted.

10 **TESTIMONY BY TINA BENKISER**

11 SEN. DUNCAN: The next witness is
12 Tina Benkiser. Ms. Benkiser, please state your name,
13 who you represent, and you have three minutes.

14 MS. BENKISER: Thank you, Mr. Chairman,
15 Senators. My name is Tina Benkiser, and I'm Chairman
16 of the Republican Party of Texas. I'm here to talk
17 about election integrity, specifically safeguarding
18 one of our most precious rights, the right to govern
19 ourselves.

20 In choosing leaders, nothing is more
21 important than voter confidence that our elections are
22 fair and just. Vote fraud erodes that confidence, and
23 in close races can result in unjust results.
24 Moreover, every single fraudulent vote cancels out a
25 valid vote by a hard-working Texan and undermines the

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1 election process. Requiring a photo ID is a simple
2 common-sense tool to help ensure fair elections and
3 just outcomes.

4 The majority of votes in an election are
5 still cast on election day or at the polling place,
6 and the process is vulnerable to fraud. In person,
7 voter fraud is nearly impossible to detect at the time
8 if no photo ID is required, and it's rarely detected
9 afterwards unless an election contest occurs, and
10 those are rare, they are time consuming, and they are
11 expensive. And only in such cases can the immediate
12 effects of the fraud be reversed.

13 Requiring photo ID simply helps election
14 workers make sure that the person casting the vote at
15 the ballot box is the same qualified registered voter
16 that's listed in the poll book. In this age with more
17 than 40 million Americans moving every year and about
18 13 million voters in Texas, election judges just
19 cannot know everyone that comes to the polls,
20 especially in urban areas. So it's just common sense
21 that presenting a photo ID that matches the poll book
22 will better protect voters' rights.

23 Where photo ID has been instituted,
24 the process has been fairly easy. Contrary to
25 critic-style warnings, experience has shown no real

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1 problems in requiring photo ID to vote. In Indiana
2 and Michigan, it went into effect, 99 percent of the
3 voting age population already had the required ID.
4 Those who didn't voted a provisional ballot, and if
5 they were eligible, the vote counted.

6 In looking at the impact of photo ID on
7 voting behavior, one scholar has noted that critics'
8 claims of coming to disenfranchisement are nothing
9 more than irresponsible and ignorant exaggeration.
10 You've heard testimony today that voter turnout
11 increases, and the effect of photo ID was positive for
12 counties with greater percentage of minorities and
13 families in poverty.

14 In last year's election, states with the
15 most stringent requirements had significantly higher
16 turnout than did neighboring states with similar
17 demographics that did not require the same. The real
18 problem is that identity theft and voter impersonation
19 are still alive and well. We've seen that in New
20 York, we've seen huge scandals in Washington,
21 Michigan, Missouri, Wisconsin and even next door in
22 Louisiana.

23 The widespread popularity of voter ID
24 suggests the general public is concerned about voter
25 dilution for ineligible voters. Photo ID is common

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1 sense. To ensure public confidence, I ask that you
2 support Senate Bill 362. Thank you.

3 SEN. DUNCAN: Thank you, Ms. Benkiser.
4 Are there any questions of the witness?
5 (No response)

6 SEN. DUNCAN: All right. The Chair
7 hears none. Thank you for your testimony.

8 **TESTIMONY BY B.R. SKIPPER WALLACE**

9 SEN. DUNCAN: The Chair calls B.R.
10 Skipper Wallace of Lampasas. Mr. Wallace, state your
11 name and who you represent, and you have three
12 minutes.

13 MR. WALLACE: My name is Skipper
14 Wallace. I represent the Texas Republican County
15 Chairmen's Association. I've been a county chairman
16 for 17 years.

17 Since the days of LBJ in Duval County in
18 1948, we've known we've had a problem with voter
19 identification at the polls. We've had a recent
20 Rasmussen Poll on January 22, 2008 that showed
21 67 percent overall favored voter ID, 75 percent
22 Republicans, 63 percent Democrats and Independents,
23 and they all support voter ID.

24 Indiana -- we have an Indiana Supreme
25 Court decision that says it's not a substantial burden

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1 to have to get a voter ID. We have 12.7 million
2 registered voters at the last Primary. We have
3 14 million DPS driver's licenses that are issued. We
4 have 4 million Texas ID cards that have been issued,
5 and we have another 5.3 million governmental IDs
6 issued. The voting age population is 17.7 million.
7 You guys can the do the math. I don't have to add it
8 up for you.

9 I have a brother Sam. He has cerebral
10 palsy. I've heard lots of testimony about the
11 handicap and elderly. I have a mother that's 87 years
12 old. Both of them have photo IDs. I asked them how
13 much trouble it was to get them. They said "Well, all
14 you had to do was go down to the DPS office. That was
15 the biggest problem." I asked my brother -- the only
16 thing he can do for himself is breathe and work the TV
17 controller. And he said it was some trouble getting
18 down to the -- to the DPS office. However, he said
19 his right to vote and maintaining that right to vote
20 was much more important than any inconvenience that he
21 would have to go through to get his photo ID.

22 I've been an Election Official for 17
23 years. It is a simple fact that unless you know the
24 person coming in to the polling place personally that
25 you cannot refute who they are. It's impossible to

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1 prove voter impersonation at the polls unless you
2 personally know the person or the ID card. It just --
3 and that's the reason we don't have any cases.

4 I have confidence in the voting system.
5 I think we need to take an ounce of prevention instead
6 of a pound of cure and pass this Senate Bill 362.
7 Thank you.

8 SEN. DUNCAN: Thank you, Mr. Wallace.
9 Members, are there any questions of Mr. Wallace?

10 (No response)

11 SEN. DUNCAN: The Chair hears none.
12 Thank you for your appearance at the Texas Senate.

13 MR. WALLACE: Thank you.

14 **TESTIMONY BY ANITA PRIVETT**

15 SEN. DUNCAN: The Chair calls Anita
16 Privett. Ms. Privett, please state your name and who
17 you present. Before you begin, we have your written
18 testimony as Exhibit 46. It will be admitted into the
19 record.

20 (Exhibit No. 46 marked and admitted)

21 SEN. DUNCAN: Thank you. You have three
22 minutes.

23 MS. PRIVETT: I'm Anita Privett. I
24 represent the League of Women Voters of Texas. The
25 League of Women Voters of Texas supports full voter

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1 participation and opposes efforts that may create
2 barriers blocking this participation.

3 We have real concerns that Senate
4 Bill 362 creates needless barriers to citizen voter
5 participation and does not address the issue of
6 election fraud. It's been suggested that with the
7 requirement of a photo ID at the polling place
8 election fraud will be eliminated.

9 However, researchers have not found
10 widespread fraud that would be caught by photo --
11 photo ID. If we are to rely on a driver's license for
12 a photo ID, we find that those who do not have a
13 driver's license are more likely to be elderly,
14 disabled, poor, a member of a minority community or
15 have an illness that makes it unsafe to drive.

16 Also there are many Texas woman who have
17 both a valid voter registration card and a Texas
18 driver's license, but the names do not match because
19 of a recent divorce or marriage. These woman will be
20 inconvenienced when they attempt to vote, and it is
21 entirely possible that it could keep some of them away
22 from the polls.

23 Currently the Texas on-line poll workers
24 training can be completed in 60 minutes or less.
25 Section 3E of this training, qualified voters,

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1 indicates that there are ten possibilities with
2 instructions on how to handle each one. What would it
3 take to get this training expanded to include the many
4 possibilities to look for while determining whether
5 the photo and accompanying documents meets the photo
6 ID requirements? The goal must be to provide training
7 so that reasonable people will come to the same
8 conclusion when qualifying voters.

9 Obviously there are costs to Texas in
10 this bill that are not addressed. Some costs include
11 issuing photo IDs for those who don't have them,
12 writing and providing training and making sure that
13 each citizen knows about these changes. Only
14 one-third of the counties in Texas have Websites that
15 can get information to their citizens in this
16 country -- in their county. I'm sorry.

17 Voting is the most fundamental
18 expression of citizenship. Breaking down barriers to
19 citizen voter participation, from literacy tests to
20 poll taxes, has been a constant battle for those of
21 who believe that all citizens should be able to
22 exercise their right to vote. We support full voter
23 participation by all eligible Americans, not
24 restrictions. Thank you for this opportunity to share
25 our views.

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1 SEN. DUNCAN: Thank you, Ms. Privett.
2 We appreciate your appearance today. Are there any
3 questions for Ms. Privett?

4 (No response)

5 SEN. DUNCAN: All right. The Chair
6 hears none.

7 **TESTIMONY BY MARY ANN COLLINS**

8 SEN. DUNCAN: The Chair calls Mary Ann
9 Collins. Ms. Collins, you have three minutes. State
10 your name and who you represent.

11 MS. COLLINS: I'm Mary Ann Collins. I
12 represent myself. I have been an election judge for
13 27 years and a poll watcher at early voting and the
14 ballot board off and on for years.

15 In '06 I was a poll watcher at a
16 location in Dallas and just standing there watching,
17 and all of a sudden here comes this lady with purple
18 hair. Needless to say that got my attention, just
19 went on. That afternoon I look around and here comes
20 the purple hair again. I thought "No, that can't be
21 because she's already been through the qualifying
22 table," and that's what I naively thought. It dawned
23 on me later she was voting on somebody else's
24 certificate.

25 So several days after the whole election

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1 was over, a clerk at that polling place who was there
2 the day that I was called me about a completely
3 unrelated matter, and I said to her "I think there was
4 a lady there who voted twice." She said, "Oh, yes, I
5 know exactly who you mean. I asked her if she hadn't
6 been here before, and she said no."

7 Now, I will say that after -- I figured
8 out what happened on the day I saw all this. I did
9 call the District Attorney's Office. Of course, it's
10 what we've already said today, it's very hard to
11 prosecute these things because I had no information.
12 I didn't know the lady's name. It didn't dawn on me
13 until too late about what happened.

14 But my point about all of this is
15 anybody that has got more than one voter registration
16 card, no matter where they got it, could make the
17 rounds of at least six early voting locations in one
18 day in Dallas. So that is where we have a huge
19 problem.

20 Just one other little sideline that I
21 would like to mention is that I was a poll watcher for
22 the ballot board in Dallas County. This ballot board
23 is chaired by a Democrat. And in order to be a poll
24 watcher on that board, I had to submit a voter
25 registration card and a picture ID. Thank you.

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1 SEN. DUNCAN: Thank you, Ms. Collins.

2 Are there any questions of the witness?

3 (No response)

4 SEN. DUNCAN: All right. The Chair
5 hears none. We appreciate your testimony today.

6 **TESTIMONY BY ROSA ROSALES**

7 SEN. DUNCAN: The Chair calls Rosa
8 Rosales of Washington, D.C., the League of United
9 Latin American Citizens. Would you please -- before
10 you begin, you have written testimony. That will be
11 admitted as Exhibit 47.

12 (Exhibit No. 47 marked and admitted)

13 MS. ROSALES: Thank you.

14 SEN. DUNCAN: Hold on just a second.

15 MS. ROSALES: And I'm from San Antonio,
16 Texas. The main office is in Washington, D.C.

17 SEN. DUNCAN: And if you could just for
18 the record, state your name and --

19 MS. ROSALES: My name is Rosa Rosales.
20 I'm the National President of the League of United
21 Latin American Citizens. On behalf of the League of
22 United Latin American Citizens, I thank the Texas
23 State Committee of the Whole for providing me this
24 opportunity to discuss our concerns in opposition to
25 the Texas Senate Bill 362.

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1 We firmly believe that this legislation
2 will disenfranchise thousands of Texas voters, many of
3 them minority and elderly, disabled and women. We
4 also believe that this legislation will have little
5 impact in reducing the alleged in-person voting fraud
6 which the bill is supposed to be designed to prevent.
7 As made clear by your two-year one point million
8 investigation by the Attorney General Greg Abbott,
9 in-person voting fraud is virtually nonexistent in
10 Texas under existing voter regulation.

11 My organization advances the economic
12 condition, educational attainment, political
13 influence, health and civil rights of Hispanic
14 Americans to community-based programs operating in
15 more than 700 LULAC councils nationwide, including
16 over 200 here in Texas. Among many other activities,
17 LULAC has sought to help Latinos become citizens and
18 registered to vote. Since our founding in 1929 -- we
19 are 80 years old this year we celebrate -- we have
20 also had to bring the State of Texas to court
21 repeatedly for violating voting rights of Latino
22 citizens within the state. In the vast majority of
23 the states, these cases we have prevailed, costing the
24 state millions of dollars in legal fees that could
25 have been spent on education and other beneficial

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1 programs.

2 Let me state for the record that if the
3 Texas Legislature passes and the Governor signs
4 legislation that is similar in nature to how -- Senate
5 Bill 362, LULAC will take the State of Texas to court
6 yet again. We will prevail, and it will cost the
7 state several million more dollars in legal fees at a
8 time when Texas taxpayers can least afford it.

9 The Texas Election Code already requires
10 the voters -- well, if my time is up, let me just say
11 that we really feel that this Senate Bill 362 does
12 discriminate against minorities, particularly Latinos
13 and blacks and women, disabled, and we strongly urge
14 to reconsider.

15 One of the things -- and they said it
16 before and I'll say it again -- we've come a long ways
17 from the times they used to say that --

18 SEN. DUNCAN: Ms. Rosales --

19 MS. ROSALES: -- no dogs, no Mexicans
20 and no blacks allowed in restaurants, drinking
21 fountains and swimming pools. And we just feel this
22 is another barrier that we do not need. Thank you so
23 much.

24 SEN. DUNCAN: Members, are there any
25 questions of the witness?

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1 (No response)

2 SEN. DUNCAN: Okay. The Chair hears
3 none.

4 SEN. URESTI: Mr. Chairman?

5 **QUESTIONS FROM SENATE FLOOR**

6 SEN. DUNCAN: Oh, I'm sorry. We do --
7 Ms. Rosales, we do have a question.

8 Senator Uresti, you're recognized.

9 SEN. URESTI: Thank you, Mr. Chairman.

10 Thank you, Ms. Rosales. I want to thank
11 you for spending the evening with us, and I also want
12 to thank all of the guests that are here that are
13 either for or against this bill for staying with us
14 and watching the process. And I say that because all
15 of us appreciate this process. And so again, for
16 those that spent the evening with us and that are in
17 the gallery, thank you very much.

18 Ms. Rosales, I know time is short. I
19 just want to ask a few questions, if I may, to follow
20 up on some of the comments you made earlier. In
21 particular on Page 3 of your brilliant testimony, you
22 mention that as many as 11 percent of the United
23 States citizens, more than 30 million individuals do
24 not have a government-issued photo identification.
25 And you also mention that 18 percent of seniors,

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1 25 percent of African-Americans and 16 percent of
2 Latinos lack a current government-issued photo ID. If
3 you could, could you just expand on that a little bit
4 and why LULAC is taking the position that they are
5 with regard to opposing this bill?

6 MS. ROSALES: One of the reasons that
7 LULAC is opposing this bill is the fact that we want
8 everyone to have that opportunity to vote. And
9 studies have shown, that our attorneys have looked
10 over, where those figures -- those statistics that you
11 just mentioned aren't true. And if you don't have any
12 kind of an ID, whether it's a driver's license or
13 other identification, you will have problems.

14 As it is right now, when a lot of
15 Latinos go to vote and even if they have the voter
16 registration, sometimes there's problems with that,
17 and they've been asked "Do you have still live at this
18 address?" The question -- there is some kind of
19 intimidation there, but we strongly feel that it is
20 important that every voter votes, and it's important
21 not to have barriers, you know. We feel that this is
22 just another barrier. Somebody has said it before,
23 it's like bringing back the poll tax. You know, a lot
24 of our elderly don't have that money to go get and pay
25 for that ID.

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1 And also, you know, we talk about this
2 epidemic of voter fraud, and that's one of the reasons
3 for this bill when I've been hearing testimony that it
4 was 192 cases that they found some kind of fraud, and
5 out of the 192 cases only 30 cases were convicted or
6 something like that. To me when millions of Texans
7 have voted, that is not an epidemic.

8 SEN. URESTI: Very well. Thank you,
9 Ms. Rosales.

10 SEN. DUNCAN: Members, before we go to
11 the next witness, let me call out another round of
12 cards. And if you'll report to the registration
13 desk then you'll be admitted to the chamber:
14 Lydia Camarillo; Edward B. Williams, Kilgore;
15 Madeline Dewar of San Antonio; Helen Villarreal
16 of San Antonio; Roxann Lewis, Galveston County;
17 Mark Williamson of Katy; Vanessa Edwards Foster of
18 Houston; Luis Figuero of San Antonio; Patti Edelman
19 of Austin; Kenneth Koym of Austin; and Joni Ashbrook
20 of Bastrop; and finally Karen Renick of Austin. Will
21 you please report to the registration desk?

22 Again, I'm going to make one last call
23 for any persons who would wish to testify. If you're
24 here and you want to testify, please report to the
25 registration desk.

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TESTIMONY BY DUSTIN RYNDERS

SEN. DUNCAN: The next -- okay. The next witness is Dustin Rynders of Austin. Please state your name, who you represent. Before you begin, Mr. Rynders has an exhibit, which is his testimony. It will be admitted as Exhibit 48.

(Exhibit No. 48 marked and admitted)

SEN. DUNCAN: You have three minutes. State your name and who you represent.

MR. RYNDERS: Yes, my name is Dustin Rynders, and I'm an attorney with Advocacy, Incorporated, which is the protection and advocacy system for the State of Texas. We protect the legal rights of people within disabilities within the state I'm here today testifying not only on behalf of Advocacy, Incorporated, but also on behalf of the Disability Policy Consortium, which is a consortium of over 24 disability rights organizations in the State of Texas.

AI is charged with ensuring individuals with disabilities full participation in the electoral process as a part of the Help America Vote Act. Both AI and the Disability Policy Consortium oppose Senate Bill 362 which burdens Texas voters in our sense because of unnecessary and erroneous voter ID

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1 restrictions and requirements, risks disenfranchising
2 hundreds of thousands of voters with disabilities and
3 waste resources that could be redirected at other
4 problems facing the state.

5 We've heard a lot today about differing
6 opinions on what the evidence is of fraud, and my
7 guess is that most of you have made your
8 determinations of what you think that evidence is. I
9 will tell you that in running a voter hotline across
10 the State of Texas, the majority of calls and
11 complaints we receive and the complaints that we've
12 reviewed from the Secretary of State's Office showed
13 that the real problems in elections in Texas still
14 involve poor handling of voter registration, lack of
15 access to absentee ballot applications, voter
16 intimidations, inaccessible polling places, poorly
17 trained poll workers and violations of the right to
18 assistance for people with disabilities.

19 Texas should address these problems
20 instead of looking at adding barriers to the ballot
21 box, in our view. Texas already has strong criminal
22 laws to deal with any fraud that does occur, and at
23 least 8 percent or 1,270,000 voting age Texans do not
24 have the most common two forms of a photo
25 identification.

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1 Texans with disabilities are among the
2 least likely to have a form of state-issued photo ID
3 because many do not drive. We need photo ID for
4 banking or other activities, which others often assist
5 them with. While Senate Bill 362 allows those with
6 photo -- without photo identification to present two
7 current nonpreferred forms of ID, such as a utility
8 bill or other piece of government mail, this provision
9 does little to expand access in practical terms.
10 After all, many people with disabilities are less
11 likely to have the numerous forms of nonpreferred
12 identification.

13 For example, many people with
14 disabilities live with relatives in group homes and
15 nursing homes, don't have utility bills. Even for
16 those who do have two of these documents, many have
17 voted for many years without knowledge of these
18 changing laws. We've heard a lot today about what has
19 been done and what hasn't been done in this bill as
20 far as voter education.

21 In our experience, training voters with
22 disabilities across the state, written notice is not
23 going to be sufficient. You're going to need the kind
24 of in-person training that Dennis Borel spoke about
25 earlier, and I would trust that you would consider

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1 that.

2 Also consider the expense. HAVA Funds
3 were used to train voters with disabilities in this
4 state at a cost of \$3.5 to \$3.6 million each year,
5 more than the Secretary of State has said they
6 currently have left in HAVA Funds.

7 SEN. DUNCAN: Thank you, Mr. Rynders.
8 We appreciate your testimony. Is there anyone in
9 the -- any member that would like to ask a question?

10 (No response)

11 SEN. DUNCAN: The Chair hears none.
12 Thank you for your testimony today.

13 One of the cards that I think got stuck
14 to another card awhile ago, and this is when we were
15 calling persons down to the front registration desk, I
16 would like to add to the names that we previously
17 called, Sylvia A. Mendoza. Ms. Mendoza, please arrive
18 at the Senate -- at the Senate chamber and the front
19 registration desk, and you'll be admitted to the
20 chamber.

21 **TESTIMONY BY MARSHA CORREIRA**

22 SEN. DUNCAN: The next witness is
23 Marsha Correia. And please forgive me for my tongue
24 not working right then. Please state your name and
25 who you represent. Before you begin, though, let me

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1 introduce your written testimony. Ms. Correira has
2 written testimony, which will be Exhibit 49. It will
3 be in the record.

4 (Exhibit No. 49 marked and admitted)

5 SEN. DUNCAN: Okay. Go ahead. You can
6 begin.

7 MS. CORREIRA: My name is Marsha
8 Correira. I'm from Bastrop County. Greetings to
9 Senator Hegar.

10 I want to tell you about Mrs. Amanda
11 Jones. Mrs. Amanda Jones of Bastrop County never
12 drove a car, never had a driver's license nor a
13 passport. Mrs. Jones was one of the fortunate ones.
14 She had a large loving family network who took care of
15 her -- who took her to DPS and got her photo
16 identification card. If Mrs. Jones had been without
17 family to help her out and this bill had been in
18 effect last year, she couldn't have cast her last
19 ballot. It was cast by mail, and she died at
20 (crying). I'm sorry.

21 There are senior citizens all over Texas
22 just like her, and I'm going to be one if I'm not one
23 already. I'm sorry. It's been a long day and a long
24 night.

25 First of all, I want to say if there's a

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1 criminal out there that's smart enough to get their
2 hands on my voter ID, don't you think -- my voter
3 ID -- my voter certificate, don't you think they'd be
4 clever enough to take my bank statement out of my
5 mailbox or maybe my utility bill? If it's not photo
6 ID, it's not photo ID.

7 And the purchase of a State of Texas
8 provided ID card and the purchase of the supporting
9 documents to obtain that ID amounts to a fee to vote,
10 a poll tax. The 24th amendment to the U.S.
11 Constitution in 1964 overturned the poll tax. The
12 burden and expense of acquiring these documents would
13 be onerous for some voters, especially for the poor,
14 minority, the very young and senior citizens.

15 The poll tax was prohibited, but some
16 states continued to assess it. And there was a court
17 case before the Supreme Court, and they said that once
18 the franchise is granted to the electorate, lines
19 which determine who may vote may not be drawn so as to
20 cause invidious discrimination. This would be
21 invidious discrimination.

22 The interest of the state, the Court
23 said, when it comes to voting registrations is limited
24 to the fixing of standards related to the applicant's
25 qualifications as a voter. In an earlier case, they

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1 said undoubtedly the right of suffrage is a
2 fundamental matter in a free and Democratic society,
3 especially since the right to exercise the franchise
4 in a free and unimpaired manner --

5 SEN. DUNCAN: Ms. Correira, your time
6 limit is up. I think you have written testimony for
7 us, and I know you didn't get through it, but you need
8 to go this way.

9 **QUESTIONS FROM SENATE FLOOR**

10 SEN. SHAPLEIGH: Chair, I'd like to ask
11 her a question.

12 SEN. DUNCAN: Sen. Shapleigh?

13 SEN. SHAPLEIGH: She's been here all
14 night.

15 MS. CORREIRA: Thank you --

16 SEN. DUNCAN: Sure.

17 SEN. SHAPLEIGH: -- and you had to take
18 a little time. Could we finish her statement?

19 SEN. DUNCAN: Sure. Sen. Shapleigh is
20 recognized to request an extension of the time for the
21 witness.

22 MS. CORREIRA: Thank you. They said
23 undoubtedly the right of suffrage is a fundamental
24 matter in a free and Democratic society, especially
25 since the right to exercise the franchise (crying) I'm

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1 sorry; I'm sorry -- especially since the right to
2 exercise the franchise in a free and unimpaired manner
3 is preservative of our basic civil and political
4 rights. Any alleged infringement of the right of
5 citizens to vote must be carefully and meticulously
6 scrutinized. The Court said, to repeat, "Wealth or
7 fee paying has, in our view, no relation to voting
8 qualifications. The right to vote is too fundamental
9 to be so burdened or so conditioned."

10 It is obvious that SB 362 is an illegal
11 attempt at voter suppression and infringement of the
12 right to vote, and it's unconstitutional. Please vote
13 against this unconstitutional bill. And I'm really
14 sorry. I've been here since yesterday at 8:30, and
15 I'm just exhausted.

16 SEN. DUNCAN: Thank you for your
17 testimony in front of the Texas Senate. We appreciate
18 your waiting with us. If we could get her some
19 assistance, please?

20 TESTIMONY BY RENE LARA

21 SEN. DUNCAN: The Chair calls Rene Lara.
22 Please state your name and who you represent. I
23 believe you have written testimony.

24 MR. LARA: (Inaudible)

25 SEN. DUNCAN: Okay. That will be fine.

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1 Thank you. You have three minutes. Thank you.

2 MR. LARA: Mr. President, Members, this
3 has been a long 24 hours since we registered to
4 testify. It's been a long hearing, and it's been
5 emotional. My name is Rene Lara. I'm with the Texas
6 AFL/CIO here representing over 200,000 members in our
7 state, including refinery workers, teachers, plumbers,
8 nurses, theatrical workers, correctional officers,
9 firefighters, as a way to describe my purpose here
10 today, not to certainly think that this is, you know,
11 testimony that is more valuable than some of the very
12 emotional testimony we've heard already.

13 Our organization, through the United
14 Labor Legislative Committee, has taken a position
15 opposing Senate Bill 362 for some of the same reasons
16 that you heard yesterday and today, and I'm not going
17 into -- into those issues. In short, for many people
18 we think that this bill makes it more difficult, not
19 easier to vote, and that's the wrong direction to take
20 our democracy, we believe.

21 There is another issue that we'd like to
22 bring up and concern about the bill. It does require
23 an official ID in order for a person to vote, and
24 among the various forms of identification authorized
25 for voting, the most commonly used and recognized

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1 would be the driver's license or personal ID card
2 issued by the Department of Public Safety. This
3 legislation strongly encourages those without an ID to
4 eventually obtain a state ID if they want to vote, and
5 that, Members of the Legislature, we think would -- in
6 doing so would be taking a big step towards
7 establishing a state ID, and a state ID system is one
8 computer connection away from a national ID system.

9 Members, the National AFL/CIO and the
10 Republican Party of Texas have a policy/position in
11 common. They both oppose a national ID program and
12 the REAL ID Act. And as you may know, the federal
13 government expects Texas to comply about the REAL ID
14 Act, which envisions that all states be linked through
15 a national database by requiring an official state ID
16 as the most commonly recognized document for voting.
17 We are, in effect, we believe, moving one big step
18 closer towards that national ID system, and that
19 greatly concerns us.

20 That is my testimony, and I am open to
21 any friendly questions.

22 SEN. DUNCAN: Thank you, Mr. Lara. Are
23 there any questions of the witness?

24 (No response)

25 SEN. DUNCAN: All right. The Chair

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1 hears none. Thank you for your appearance today.

2 **TESTIMONY BY LEE MEDLEY**

3 SEN. DUNCAN: The Chair calls Lee
4 Medley. Mr. Medley, please state who you represent --
5 your name, who you represent, and you have a
6 three-minute limit.

7 MR. MEDLEY: My name is Lee Medley. I'm
8 with the United Steelworkers. I represent the
9 Steelworkers District Council. I'm a good tax-paying
10 Texan of which I just paid some taxes. Nobody asked
11 me for two forms of identification, and of course they
12 didn't ask me for two forms when I paid my tags or my
13 hunting license or anything like that.

14 That's not why I'm here, though, this
15 morning. Now, I work in a plant. I work on the
16 Houston Ship Channel, and I'll be back in that plant
17 probably this weekend. And when the guys and the
18 women I work with ask me "Well, what are they doing in
19 Austin?" I'm going to say "Well, they're working on
20 some mythical twin brother voting conspiracy while our
21 brothers and sisters in Lone Star, Texas are getting
22 laid off; while Rockdale, Texas, the Alcoa plant is
23 being shut down; while Dow Chemical is laying people
24 off left and right in Freeport," and the best thing we
25 can figure out to work on is some mythical voter fraud

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1 that still -- I mean, I think I've heard 23 people at
2 the most.

3 750 people got laid off in Lone Star,
4 Texas two weeks ago. Those are tax-paying citizens.
5 Those are good benefit-bearing jobs. They don't --
6 excuse me -- they don't care about this. What they're
7 concerned about is putting food on the table for their
8 families. That's what you-all are elected to do, is
9 represent those people, not political parties, not
10 playing these games, it's to represent working
11 families in the State of Texas. That's why you're
12 here. That's what I want to go back and tell my
13 brothers and sisters at my plant, that they're working
14 hard for you and your family, but right now I don't
15 think I could say that.

16 And that's my testimony. I will tell
17 you right now Rome burns, the Senate is fiddling.
18 Thank you.

19 SEN. DUNCAN: Thank you, Mr. Medley, for
20 your testimony. Are there any questions?

21 (No response)

22 SEN. DUNCAN: All right. The Chair
23 hears none.

24 **TESTIMONY BY JOHN WATKINS**

25 SEN. DUNCAN: The Chair calls John

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1 Watkins. Mr. Watkins?

2 MR. WATKINS: Hello. My name is
3 John Watkins. I'm from Wells Point, Texas. I
4 appreciate the opportunity, Mr. President and
5 Senators, to speak before you.

6 On this bill that's before us, the
7 Senate 362, I have worked -- my background is I have
8 worked as an alternate judge, as a clerk and a Spanish
9 language translator. I see very little difference
10 between present practice and what we're doing and what
11 is offered in this bill as far as a photo ID. This
12 bill does not require a photo ID. It makes it a first
13 choice.

14 The big difference I see in this bill
15 and present practice is in the certificate. When
16 someone comes to us presently using no certificate, we
17 look them up on the rolls. We check a block on the
18 sheet stating that they did not have or did not
19 present a certificate so that they'll get mailed a new
20 one presumably. And then after verifying with some ID
21 that was approved already by the state, and there's
22 various ones, then we verify them, and we get them to
23 vote.

24 And this bill, by requiring -- from the
25 way I read the bill, it requires them to have in their

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1 hand that certificate. And I believe Ms. Huffman --
2 or no -- well, it was Sen. Fraser and another Senator
3 from this side, which I couldn't see from where I was
4 at in the balcony, and they had an exchange about a
5 2fer or a 3fer, and that is pertinent because that's
6 the key issue here.

7 Probably 30 percent of the people that I
8 meet when I'm working in the poll do not have their
9 certificates with them, and it's not just minorities,
10 it's everybody. So that's one reason that I'm --
11 unfortunately I'd like to say yes, vote for this bill,
12 but personally I cannot do that because of that
13 particular issue. And hopefully those two Senators
14 will work that out because we do need some sort of
15 control in the polls to avoid it, to avoid fraud.
16 Thank you.

17 SEN. DUNCAN: Thank you, Mr. Watkins.
18 Are there any questions of the witness?

19 (No response)

20 SEN. DUNCAN: The Chair hears none.
21 Thank you for your appearance today in the Texas
22 Senate.

23 **TESTIMONY BY KENNETH FLIPPIN**

24 SEN. DUNCAN: The Chair calls Kenneth
25 Flippin. Mr. Flippin, state your name and who you

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1 represent, and you have three minutes, please.

2 MR. FLIPPIN: Thank you. My name is
3 Ken Flippin. I represent myself. I'm from all over
4 Texas. I'm a native Texan, but I've lived in at least
5 seven of your districts throughout my life. I'm a
6 community organizer, and I've worked in politics since
7 I was about 16 years old. So I know you-all have been
8 hearing a lot of different arguments over the last
9 day.

10 And so I guess I'm going to make more of
11 a political appeal and say, you know, as we think
12 about the campaign process, the political process,
13 this process, it's all really the same, it's a
14 Democratic process. It's our effort to make our union
15 a little bit more perfect. And I believe that
16 Senators on both sides really do want to make our
17 union more perfect.

18 And the question really isn't whether or
19 not we're trying to find just the right balance. The
20 question is is this something that's going to make our
21 union more perfect, or is it going to be something
22 that's going to disenfranchise more voters than we end
23 up getting out of the system that shouldn't be there?

24 I think that most of us that have worked
25 in campaigns know that it takes a lot of work to get

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1 people that are eligible citizens to get registered,
2 to get involved, to get educated, to get to the polls,
3 and it's even more effort to get somebody obviously
4 who is not a citizen or somebody that wants to vote to
5 get them to vote twice. In fact it's a ludicrous
6 thing that a campaign would try to do, and I'm sure
7 none of you have tried to do that. And why would you?
8 And that's why it's so rare because it's not the
9 objective of a campaign. The objective is to get
10 people out to vote because you're the best person for
11 the job.

12 And I dare say that as good a campaign
13 manager I might be or as great a politician that some
14 of you may be that have run and will run again, the
15 fact is no matter how great you are, you're probably
16 not going to persuade too many people to break the law
17 and vote for you twice or to vote for you when it's
18 not legal.

19 And the reality is we can as a state
20 vote to maintain the integrity of the ballot by doing
21 other things that can solve the problems that you're
22 concerned about, but more importantly we can keep from
23 disenfranchising voters.

24 I think what you're fearing by proposing
25 this bill is really a problem that barely exists, if

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1 at all, but the problem that you're going to create is
2 bigger than the problem you see existing. One thing I
3 know is that if you want to get people organized and
4 excited, disenfranchise them. Whether it's the
5 private school kids that their IDs don't count or it's
6 that elderly lady that maybe she does have the
7 documents at home, but she forgets them and when she
8 gets to the poll there's not enough time for her son
9 who brought her to get her back. Those are the folks
10 you'll get organized.

11 SEN. DUNCAN: Thank you, Mr. Flippin.
12 Are there any questions for Mr. Flippin?

13 (No response)

14 SEN. DUNCAN: We appreciate your
15 testimony today.

16 **TESTIMONY BY ANNIE BANKS**

17 SEN. DUNCAN: The Chair calls Annie
18 Banks. Ms. Banks, you have three minutes, please.
19 And would you please state your name and who you
20 represent?

21 MS. BANKS: My name is Annie Banks, and
22 I represent the Texas Alliance for Retired Americas.
23 I am the President of the Texas Alliance for Retired
24 Americas, and I'm here to say that we are voting
25 against this. We have 86,000 members thus far. We do

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1 educate our members. Every Friday they have a Friday
2 alert, and we do send out by snail mail any
3 information that they want to know about.

4 And our seniors are really having a hard
5 time. Their hurdles are many, and their hurdles
6 entail their healthcare, their prescription drugs and
7 all of these things, and you've just give us another
8 piece of paper or something else to deal with. But
9 when you get over 65, you'll understand a whole lot of
10 things by then, but I just want to say thank you for
11 allowing me to say that we are here. And if we can
12 help, let us know. Thank you.

13 SEN. DUNCAN: Thank you, Ms. Banks. Are
14 there any questions for Ms. Banks?

15 (No response)

16 SEN. DUNCAN: The Chair hears none, and
17 we appreciate your appearance today.

18 **TESTIMONY BY RACHEL HERNANDEZ**

19 SEN. DUNCAN: The Chair calls Rachel
20 Hernandez. Ms. Hernandez, state your name, please,
21 and who you represent. Before you do that, though,
22 you have an exhibit. You have your written testimony,
23 which will be admitted into the record as Exhibit 50.
24 Okay. You can begin.

25 (Exhibit No. 50 marked and admitted)

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1 MS. HERNANDEZ: Thank you. Thank you
2 very much for allowing me to speak today. My name is
3 Rachel Hernandez, and I'm a service coordinator with
4 Granada Homes in San Antonio, Texas. Granada Homes is
5 an apartment complex for senior citizens ages 62 and
6 older. It's an independent living facility. We don't
7 have any nursing facilities at our location. We're
8 located in downtown San Antonio, and because of the
9 parking situation, 99 percent of our residents have no
10 vehicles or use public transportation to get around or
11 their families.

12 My job as a service coordinator is to
13 help our residents and any issues that would normally
14 be taken care of by their children or by another loved
15 one, and that would be anything from reading their
16 mail to checking their bank statements to making sure
17 that their needs are met, whether by a provider or
18 other services.

19 One of the things that I've experienced
20 as a service coordinator with senior citizens is that
21 obtaining documents that are necessary for what we
22 would consider daily needs become much more difficult.
23 They have more difficulty getting to their locations
24 or taking the bus, and something like this bill would
25 not be a positive direction on their behalf. They're

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1 very proud people. They vote. In fact we make sure
2 that we take them to vote, and it's something they
3 look forward to. Adding another obstacle to getting
4 them in a vehicle to getting them to a polling place
5 and then requiring something additional that they may
6 have forgotten only gives them a deterrent to wanting
7 to do it again. Whether they present identification
8 or not, this Bill S-362 would have an adverse impact
9 on the senior community.

10 And in closing, I believe that no
11 legislation should be allowed or supported if the end
12 result is a stifling of the voice of any American and
13 their constitutional right to vote. Thank you.

14 SEN. DUNCAN: Members, are there any
15 questions of Ms. Hernandez?

16 (No response)

17 SEN. DUNCAN: The Chair hears none.
18 Thank you for your appearance today.

19 **TESTIMONY BY RENATO DE LOS SANTOS**

20 SEN. DUNCAN: The Chair calls Renato de
21 los Santos.

22 MR. DE LOS SANTOS: Good morning,
23 Mr. President and Honorable Members of the Senate. I
24 live in the 23rd Senatorial District and have the
25 privilege of serving as the Director of the LULAC

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1 National Education Service Center, an educational
2 nonprofit agency based in the Oak Cliff section of
3 Dallas.

4 As director of the LULAC, I have the
5 privilege of working on a daily basis with some of the
6 neediest families in the D/FW Metroplex, families who
7 are daily forced to make choices between buying food
8 for their families or gas for their vehicles or
9 perhaps paying for a traffic fine or replacing a lost
10 or stolen ID or driver's license.

11 Given the new regulations that are being
12 enforced in Dallas and I believe the rest of the state
13 that deny a renewal of an ID or a driver's license for
14 those who have outstanding traffic fines or tickets, I
15 believe that we are setting a dangerous precedent by
16 potentially disenfranchising people many times who are
17 very fragile voters who need a small incentive like
18 this or a disincentive to discourage them from voting.

19 However, this morning I am here not to
20 talk about these people, but because of my own family
21 and the tragedy that happened a few years ago. My
22 mother died in 1992 in Corpus Christi after a year and
23 a half of a battle with bone cancer. As part of that,
24 she found herself in M.D. Anderson Hospital in
25 Houston, Texas. Shortly before -- immediately before

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1 the elections in 1992 she returned to Corpus Christi
2 for Hospice care, and she died December 1st of that
3 year.

4 One of the biggest privileges and one of
5 the few joys that she had was she had lasted until
6 that time to vote in that election. It was a major
7 point. I talked to my sister this morning -- or last
8 night rather, and she was telling me she remembered
9 clearly having taken my mother to vote.

10 And what really made it special was
11 that -- unfortunately when we returned from M.D.
12 Anderson, my mother's house had been burglarized.
13 Things had been taken we couldn't believe that they
14 would want, but amongst the things were all of her
15 IDs, the birth certificates, records. We don't have
16 anything left of what my mother -- the legacy of my
17 mom there, but because she was known to the voter --
18 to the precinct people there, she was allowed to vote,
19 but only because she was known to them personally
20 because she didn't have any ID that could have proven
21 who she was. And if this law had been in place then,
22 she would have been disenfranchised, and it would have
23 taken a last bit of joy that we celebrated as a family
24 that she got to vote in that election.

25 Please do not disenfranchise people.

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1 Please do not vote for -- for this bill.

2 SEN. DUNCAN: Thank you for your
3 testimony. Is there anyone who would wish to question
4 Mr. de los Santos?

5 (No response)

6 SEN. DUNCAN: Thank you, Mr. de los
7 Santos. We appreciate your appearance here today.

8 Before we call the next witness, I want
9 to go ahead and make one last call, and we normally
10 say this in all of our committee meetings. Are
11 there -- is there anyone else who would wish to
12 testify for, against or on Senate Bill 362? And the
13 reason I'm making that call right now is we have about
14 13 or 14 more witnesses left, and it will take about
15 30 minutes, and we've given the witnesses 30 minutes
16 to report to the desk. So if you will -- this is the
17 last call for any additional witnesses to appear
18 before the committee.

19 The next witness -- and this was made at
20 8:10. So that will be -- 8:40 would be the cutoff
21 deadline for those in the front.

22 The next witness is Judy Holloway.
23 Ms. Holloway, please state your name, who you
24 represent.
25

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TESTIMONY BY JUDY HOLLOWAY

MS. HOLLOWAY: My name is Judy Holloway. I live in Lake Travis -- around Lake Travis, and I represent myself. I was a poll watcher during the last Presidential Election. On October 13th past the deadline for voter registration, I had an occasion to visit the Travis County Voter Registration Department. As it happened, a reporter was there interviewing a spokeswoman -- I'll settle down in a second -- for the department regarding the number of registered voters in Travis County. She told the reporter the total number of voters was 531,000. She also said that there were -- that there were an additional 800 applications received in the mail that would not be counted because they were postmarked after the deadline. They could not be counted because the deadline had passed.

On November 4th, I logged on to the Travis County Website and discovered a letter from Nelda Wells Spears that said Travis County had a total of 611,024 registered voters, a record, "It was a record breaking number." Based on the official number used for the voting age population, the 2000 census data, the registration rate was 98 percent. I had to pick my mouth -- I had to pick my mouth up off the

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1 floor -- kind of like now. That number, 611,024, was
2 80,000 votes -- voters more than what was supposed to
3 be the final count.

4 I also had the opportunity to talk with
5 several employees at the registration offices. They
6 told me that 95 percent of the employees during the
7 Presidential Election who were processing the
8 applications were temporary workers. When asked if
9 all the information on the voters' applications had
10 been verified, the answer was no. I was told that
11 every applicant signs an affidavit, and that was proof
12 enough to obtain a voter registration card. How does
13 that prove anything?

14 Just this past week I talked with
15 someone else who was a supervisor with Travis
16 County -- Travis County voter registration. I asked
17 her if all applications were verified. She said no.
18 Who were these additional people who voted last fall?
19 I don't know. Do you? The truth is we don't know,
20 but what we do know is that we can't have dead people
21 voting in our elections, we can't have noncitizens
22 voting in our elections, we can't have felons voting
23 in our elections.

24 The only way we're going to know who is
25 voting in our elections is to be able to verify that

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1 the person who is voting is who they say they are.
2 And the best way to do that is to require photo
3 identification. Please help us to ensure the
4 integrity of our voting process. This isn't about
5 suppression. This is about protection.

6 SEN. DUNCAN: Thank you, Ms. Holloway.
7 We appreciate your testimony. Are there any questions
8 for Ms. Holloway?

9 (No response)

10 SEN. DUNCAN: The Chair hears none. We
11 appreciate you being here in the Texas Senate.

12 **TESTIMONY BY LYDIA CAMARILLO**

13 SEN. DUNCAN: The Chair calls Lydia
14 Camarillo. Ms. Camarillo, please state your name and
15 who you represent, and we have a three-minute limit.

16 MS. CAMARILLO: Thank you, Mr. Chairman.

17 SEN. DUNCAN: Just a minute. I'm sorry
18 to interrupt you. We have an exhibit for
19 Ms. Holloway, and we need to get that in the record.
20 So Ms. Holloway's exhibit is a Travis County Voter
21 Registrar document, Exhibit 51.

22 (Exhibit No. 51 marked and admitted)

23 SEN. DUNCAN: Then Ms. Camarillo has a
24 witness -- or has an exhibit as well, and it will be
25 entered into the record as Exhibit No. 52.

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1 (Exhibit No. 52 marked and admitted)

2 SEN. DUNCAN: All right. Finally here
3 we go. You can begin, Ms. Camarillo.

4 MS. CAMARILLO: Thank you, Mr. Chairman.
5 Buenos dias, Senators. I am Lydia Camarillo,
6 Vice-President of Southwest Voter Registration
7 Education Project, the largest and oldest nonpartisan,
8 nonprofit organization of its kind with a simple
9 mission, to increase the number of Latino and other
10 ethnic communities who are registered to vote and
11 participate in America's democracy as full and equal
12 partners.

13 Founded in San Antonio Texas by the late
14 William C. Velasquez, Southwest Voter has registered
15 over 2.3 million Latino voters throughout Texas, the
16 Southwest and since 2000 the Southeast including
17 Florida. Southwest Voter has won over 80 voting
18 rights lawsuits and has prepared over 100,000 leaders
19 to organize their communities.

20 In Gonzalez vs. Arizona, MALDEF
21 challenges in federal court the voter registration and
22 identification provisions of Arizona Proposition 200.
23 Southwest Voter is a plaintiff for that case as in the
24 case for the Florida case against a similar issue on
25 the voter ID.

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1 I am here to advise you of Southwest
2 Voters' strong opposition to SB 362. Southwest Voter
3 opposes this bill because it would have a negative
4 impact on the Latino voter registration and
5 potentially violate election laws, including the
6 Voting Rights Act, the National Voting Right
7 Registration Act and the Help America Vote Act that
8 everybody has talked about this last 24 hours, HAVA.
9 This bill will only serve to depress voter
10 registration of Latinos, other ethnic communities and
11 the poor. For these reasons, Southwest Voter opposes
12 SB 362 and urges your opposition.

13 Texas Legislators must take affirmative
14 steps to promote the participation of American
15 citizens voting and participating in America's
16 democracy and should, in its wisdom, oppose the
17 legislation that only serves to confuse citizens,
18 contradict federal law, create undue financial burden
19 to the poor, Latinos, African-American citizens who
20 want to register and to vote.

21 And finally, it will create a financial
22 burden to Texas counties and taxpayers. SB 326 is a
23 bill that creates redundancy and multiple
24 identification requirements for voters. Southwest
25 Voter believes that Texas law provides for proof of

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1 identification, and this bill will only create
2 confusion. It will create more burdensome voting
3 experiences for both the voter and the polling worker.

4 Texas law requires that voter
5 registration applicants must affirmatively mark their
6 U.S. citizenship under penalty of perjury and submit
7 their affidavit application, either in person or by
8 the post card, according to the election code,
9 Section 13.121.

10 In our experience of 35 years, we find
11 that people do not carry their passports or any
12 identification in many cases, or they have lost them,
13 and this may cause disenfranchisement.

14 SEN. DUNCAN: Thank you, Ms. Camarillo.
15 Your time has expired. Let me ask if there are any
16 questions of the witness.

17 (No response)

18 SEN. DUNCAN: All right. The Chair
19 hears none. We do have your -- I think your written
20 testimony in the record. We appreciate your
21 appearance here today.

22 MS. CAMARILLO: Thank you.

23 **TESTIMONY BY EDWARD B. WILLIAMS**

24 SEN. DUNCAN: All right. The Chair
25 recognizes Edward B. Williams. Mr. Williams, please

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1 state your name and who you represent. You have a
2 three-minute time limit.

3 MR. WILLIAMS: Thank you, Mr. Chairman.
4 My name is Edward Williams. I'm from Kilgore, Texas,
5 and I represent the interest of Edward Smith deceased.

6 To begin with, I would like to thank
7 those of you Senators who are troopers and stayed with
8 us, and I appreciate the time that you've put forth
9 and the respect that you're showing by being here on
10 the Senate floor today.

11 I also want to make a comment to the Tax
12 Assessor's Office in Harris County. If more tax
13 assessors and voter registrar's took their jobs as
14 seriously as they do in Harris County, we would not
15 have the voter fraud problems throughout the state
16 that we do.

17 I'd like to take you back about 14 hours
18 to our first witness. And I'm from Harrison County,
19 which is -- Marshall is the county seat. He referred
20 to Harrison County or the Harrison County method as
21 being a notorious term to represent voter fraud that
22 occurs within the State of Texas.

23 My grandfather, Edward Smith, died
24 in 1935. My mother was just a child, two or three
25 years old. In 1989 he received a jury summons. My

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1 grandmother was a little bit bewildered that he had
2 received his jury summons, and we called the District
3 Clerk's Office to notify him that he had passed away
4 in 1935. They informed us that he had been voting
5 regularly in person in the last -- in all of the
6 elections since 1935. It was not until 1994 that he
7 stopped voting. And in 1995 we removed the house from
8 the property that he was registered to vote at. My
9 grandfather died in '35. He voted for 59 years after
10 his death in person, either on election day or during
11 early voting.

12 I hope that each of you will consider
13 this, the testimony that's come before in regards to
14 identity theft or the use of voter registration cards
15 by the deceased, and I hope that you will vote in
16 support of Senate Bill 362. Thank you.

17 SEN. DUNCAN: Members, are there any
18 questions of the witness?

19 (No response)

20 SEN. DUNCAN: Thank you, Mr. Williams.
21 It's good to see you.

22 **TESTIMONY BY MADELEINE DEWAR**

23 SEN. DUNCAN: The Chair recognizes
24 Madeleine Dewar. Ms. Dewar, you have three minutes.
25 Please state your name and who you represent.

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1 MS. DEWAR: My name is Madeline Dewar,
2 and I represent myself. I'm also a member of Bexar
3 County Democratic Women and San Antonio Area
4 Progressive Action Coalition.

5 I live in a working class barrio in San
6 Antonio. Many of my neighbors work two and sometimes
7 three jobs. Others are elderly on a very limited
8 income. Even if the photo ID were available for free,
9 the documents required to obtain those IDs are not.
10 If you have to choose between food for your children
11 or medicines for yourself, obtaining birth
12 certificates or other documents would not be a
13 priority. Taking time off from work from a minimum
14 wage hourly worker's job is often not feasible.

15 Some of you may consider obtaining a
16 driver's license or Texas ID a simple matter. For the
17 poor and many elderly, it can be a complex, time
18 consuming and relatively costly process.

19 By the way, for a number of reasons, my
20 own 38-year old Caucasian son does not have a driver's
21 license, nor does he have access to any of the
22 alternatives mentioned today except for his birth
23 certificate and his voter registration card. He would
24 no longer be able to vote.

25 If we had evidence of tens or thousands

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1 or even hundreds of fraudulent voters that would be
2 resolved by this bill, I would be standing here
3 working very hard to answer -- for an answer to ensure
4 ballot integrity, but it has been clearly shown that
5 there is no voter fraud in Texas that would be
6 eliminated by SB 362 despite the inappropriate use of
7 a portion of taxpayer dollars designated for major
8 crimes that was diverted to investigate and search out
9 alleged voter fraud.

10 This bill clearly is not intended to
11 reduce nonexistent voter fraud. Sen. Fraser
12 repeatedly referred to an increase in Democratic votes
13 in Indiana and Georgia, but failed to mention that
14 those increases were present across the country and
15 inarguably attributed to Barack Obama and the overall
16 2008 political environment.

17 This bill is a blatant partisan effort
18 to disenfranchise minorities, the elderly and the poor
19 of Texas with a backdoor poll tax. This bill's
20 political direction -- this bill is -- real intent is
21 to suppress the Democratic votes in order to stem the
22 political direction of the great State of Texas. I'm
23 here to ask every single Senator present this morning
24 look in your hearts and do the right thing for the
25 many voters of Texas who are less fortunate than

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1 themselves. Thank you.

2 SEN. DUNCAN: Thank you, Ms. Dewar. Are
3 there any questions for Ms. Dewar?

4 (No response)

5 SEN. DUNCAN: The Chair sees or hears
6 none. Thank you for your appearance today.

7 **TESTIMONY BY HELEN VILLARREAL**

8 SEN. DUNCAN: The Chair calls Helen
9 Villareal. Ms. Villarreal, would you state your name
10 and who you represent, and please observe the
11 three-minute time limit?

12 MS. VILLARREAL: Good morning, Members
13 of the Senate, Citizens of Texas. My name is Helen
14 Villarreal, and I am here to represent myself. I'm
15 going to talk quickly about three items.

16 Number one, my mother. My mother is 85
17 years old. She's lucky she's healthy. She's got her
18 voter ID. She's got her voter certification, but not
19 all senior citizens in Texas are as lucky as she is,
20 and that's the ones I'm worried about. Some of them
21 don't have sons or daughters that live in the same
22 city or near their parents. Some live in other
23 states, maybe in other countries. Some of these
24 elderly citizens live at home alone, and getting extra
25 documents or certification is hard for them

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1 financially and also physically. Say they have to get
2 the bus an hour and a half to go one way and an hour
3 and a half to come back. If you've ever been in San
4 Antonio via bus, you'll know. And it's dangerous.
5 It's plain dangerous for some of them to go somewhere
6 alone to get this document.

7 Also, now I want to talk -- and my
8 mother is not irresponsible. She's been responsible
9 all of her life.

10 My husband recently -- about a year ago
11 I went and got his birth certificate because we might
12 travel someday. There were three errors on it, his
13 last name -- our last name has two "r's." Sometimes
14 Villarreal is spelled with one "r," and ours is
15 spelled two "r's," and it only had one "r" on the
16 birth certificate. They messed up his mother's maiden
17 name, and there was one other error.

18 My husband did not vote in the -- the
19 last time he voted was in the 2000 election, and he
20 will not vote again because he thinks the system is all
21 messed up. If I should tell him "Well, you know, go
22 vote," and they say "Well, you've only got one 'r'
23 there, oh, it will be counted provisionally," that's
24 going to turn him off.

25 Thirdly, this SB 362 might cause lines.

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1 There's important elections, and they're just having
2 to check one document. Can you imagine if they're
3 checking two? The line is going to back up. Anyway,
4 that might discourage people, and they might just get
5 out of line and turn away.

6 So that is why I am against Senate
7 Bill 362. Thank you.

8 SEN. DUNCAN: Thank you, Ms. Villarreal.
9 Are there any questions for the witness?

10 (No response)

11 SEN. DUNCAN: Okay. The Chair hears
12 none. Thank you for your appearance today.

13 Members, for the record, we -- in
14 response to a call, we have the card for Duane Rawson,
15 and he, I think, is in the back -- in the back haul --
16 or the front haul rather.

17 **TESTIMONY BY MARK WILLIAMSON**

18 SEN. DUNCAN: The next witness is
19 Helen -- or I'm sorry -- Mark Williamson.
20 Mr. Williamson, please state your name and who you
21 represent, and please observe the three-minute time
22 limit.

23 MR. WILLIAMSON: I'm Mark Williamson,
24 the founder of Federal Intercessors. I'm honored to
25 be here and to testify on behalf of the voter ID bill.

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1 I'm a minister and approach this perhaps
2 differently than most. I feel it is imperative to
3 pass this legislation as weak as it is and as limited
4 as it is. It is time to secure the vote.

5 The Biblical command to do everything
6 decently and in order is not just a rule for churches,
7 it is a life principle, and it is particularly
8 applicable to civil government and its processes.
9 Roman's 13 says that "Civil rulers" -- and that
10 includes you senators -- "are the ministers of God to
11 reward good and punish evil." You are stewards before
12 God with the great weight of responsibility that you
13 will answer for. Do not take it lightly. Do not
14 reduce it to cheap political advantage. God is a God
15 of standards and boundaries from Mt. Sinai to the
16 borders of nations and the boundaries of one man/one
17 woman marriage and even salvation.

18 One standard universally applied, is a
19 photo ID really such an unbearable burden when one
20 can't effectively function in our modern society
21 without it? This is not even a serious question.

22 The Bible also states that "Whoever
23 resists the ordinance of God will bring judgment on
24 themselves," and that's whether you're a citizen or a
25 ruler. God hates unjust weights and measures. That

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1 is the lack of integrity. That means he is for a
2 single universally applied standard equal for and
3 protective of everyone, not just your constituents.
4 I say again, secure the vote.

5 Mexico is in danger of imploding. Our
6 borders are porous, and ACORN is increasingly seeking
7 to do their mischief in Texas. They would see the
8 failure of this bill as a green light, and we all know
9 it.

10 The last line of defense is to secure
11 the vote. If we can send men and woman to fight and
12 die in Iraq to secure their vote, I don't think a
13 photo ID is too much to ask to secure ours.

14 If I for whatever reason were unable to
15 produce my driver's license at the polling booth, I
16 would gladly sacrifice my vote to be confident that
17 the electoral process was sound and secure, no matter
18 the outcome. One vote per one legal citizen.

19 I say again, secure the vote, for my
20 right to vote means not much if there's no integrity
21 in the system. Thank you very much. God bless you
22 all, and God bless Texas.

23 SEN. DUNCAN: Thank you, Mr. Williamson.
24 Are there any questions for Mr. Williamson? You need
25 to go to the right.

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1 (No response)

2 SEN. DUNCAN: The Chair hears no
3 questions of -- thank you for your appearance today.

4 **TESTIMONY BY VANESSA FOSTER**

5 SEN. DUNCAN: The next witness is
6 Vanessa Edwards Foster. Ms. Foster, please approach
7 and state your name and who you represent, and please
8 observe the three-minute time limit.

9 MS. FOSTER: Thank you, Mr. President.
10 My name is Vanessa Edwards Foster, and I am
11 representing the Texas Gender Advocacy and Information
12 Network. And typically I don't do this, but I am a
13 transsexual. I understand a couple of you have
14 mentioned the sex change issue and had a little bit of
15 fun with it a couple of times.

16 I want to tell you about my personal
17 story with regards to this. In 1996 I found out
18 exactly what it's like not to be able to vote. I went
19 to vote for the Presidential Election, and at that
20 point in time, I did not have my name and gender
21 change to my current presentation. I had my male
22 voter certificate and my male driver's license. I
23 went in and I presented my certificate. The lady took
24 one look at that, took a look at the name, took a look
25 at me and said "Do you have some identification or

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1 something?"

2 I showed her my identity, and I
3 explained to her exactly what the situation was. And
4 she took a look at that and took a look at me and said
5 "No, this does not look like you." This is my
6 identity, and yet even though I'm presenting my legal
7 identity, I did not have the right to vote.

8 Now, I was a little bit timid at that
9 time, and I went ahead and walked away. There were
10 people in back of me, so I didn't want to draw a
11 scene. I'm not so timid any more.

12 And one of the things that I do know is
13 that we've been trying here in the State of Texas to
14 get uniformity and some kind of clarity with regards
15 to name and gender changes the way they have in other
16 states where you basically present a letter to the DPS
17 and you get the name and gender change on your ID.
18 We've been trying for this well over a decade. As
19 Sen. Shapiro mentioned, identity matters. And, yes,
20 it does matter, it's mattered to us for quite a number
21 of years. In fact, she said "We're just trying to
22 make sure that everyone's ID matches who they are."

23 Well, that's exactly what we wanted, and
24 we have been trying for that for over a decade and
25 have not an been able to achieve that yet, and we

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1 still have that bill pending right now as we speak.
2 I don't know that it will pass, and I certainly don't
3 know that it will pass before this passes. But the
4 one thing that I can guarantee you, I've got two
5 friends of mine in Houston right now, they have
6 transitioned, they are living as female, but their
7 presentation does not match their ID per court decree.
8 Both of them right now are going through divorces, and
9 per their Judge's decree, they must remain in their
10 current gender and their current name until their
11 divorce is final.

12 Now, if this means that they have no
13 opportunity to vote, I have let them know that they
14 are being disenfranchised and prepare to file a
15 federal lawsuit. And indeed, Senator Fraser, you will
16 be popular.

17 SEN. DUNCAN: Thank you, Ms. Foster.
18 Members -- you need to go to the right.

19 Are there any questions for the witness?
20 (No response)

21 SEN. DUNCAN: The Chair hears none.
22 Thank you for your appearance.

23 **TESTIMONY BY LUIS FIGUERO**

24 SEN. DUNCAN: The Chair calls Luis
25 Figuero. Mr. Figuero has written testimony that he

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1 would like to enter into the record as Exhibit 53.

2 (Exhibit No. 53 marked and admitted)

3 SEN. DUNCAN: Mr. Figuero, go ahead and
4 state your name, who you represent, and please observe
5 the three-minute time limit.

6 MR. FIGUERO: Thank you, Chairman
7 Duncan, Members of the Senate. I am Luis Figuero, a
8 Legislative Staff Attorney for the Mexican-American
9 Legal Defense and Educational Defense Fund, a
10 nonpartisan legal voting rights -- legal organization
11 founded in Texas in 1968 to protect and defend Latino
12 civil rights, including voting rights.

13 We recognize the Senate today as trying
14 to find that balance between security and access. It
15 is extremely important in the issue of voting rights.
16 We believe that Senate Bill 362 swings the pendulum
17 too far and risk potential disenfranchisement by
18 creating more harms than benefits that will be
19 achieved.

20 The best information we have about the
21 impact of voter identification laws comes from
22 litigation which MALDEF represents eligible voters who
23 are turned away from the polls as well as voter
24 organizations. These cases include Gonzalez vs.
25 Arizona in which MALDEF attorneys served as lead

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1 counsel for the plaintiffs.

2 Importantly, at the trial of this case,
3 Arizona could not produce any example of impersonation
4 of voter fraud to justify its voter ID law. The lack
5 of evidence or even a single incident of impersonation
6 voter fraud is consistent with the U.S. Supreme
7 Court's observation in the Indiana voter ID case, that
8 the record contains no evidence of any such fraud
9 actually occurring in Indiana at any time in history.
10 And that is actually in the opinion in Crawford vs.
11 Marion County Elections Board.

12 In Arizona across three federal
13 elections, 4,194 voters cast conditional provisional
14 ballots that were never counted because the voter
15 could not provide the required ID. In Texas 42,000
16 provisional ballots were cast in the 2008 General
17 Election, but only 9,444 were counted. We can only
18 imagine that the numbers would rise by increasing the
19 ID requirements.

20 The examples of disenfranchisement in
21 Arizona include Karen Lewsader, a police officer and
22 registered Republican, who was forced to cast a
23 conditional provisional ballot because her driver's
24 license listed a different address than the voter
25 rolls. Ms. Lewsader, while she was at the poll, went

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1 back to her car to try to find another form of
2 identification with the correct name and address so
3 she could cast a regular ballot, but the vehicle
4 registration information she found was under her
5 husband's name. When the demands of her job prevented
6 her from returning to the county to show additional
7 ID, her vote was not counted.

8 Georgia Morrison-Flores was a newlywed
9 when she registered to vote, and she registered under
10 a married name. However, when she went to vote, her
11 maiden name on her driver's license did not match her
12 married name in which she was registered. Because the
13 names did not match, even though her valid ID showed
14 her birth, photo and first name, she was turned away
15 by an election poll worker who had been her childhood
16 neighbor, and she was unable to cast a ballot of any
17 kind despite her status as a qualified voter.

18 So for these reasons, we find it
19 disheartening and such a restrictive government
20 response to an unproven problem of potential voter
21 fraud, and we ask and we urge this committee to
22 reject the voter identification provisions of Senate
23 Bill 362. And we're open for any questions or
24 concerns that may be from the Senate regarding this
25 legislature or our litigation in Arizona or in Texas.

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1 Thank you very much.

2 SEN. DUNCAN: Members, you've heard the
3 testimony. Do you have any questions of the witness?

4 (No response)

5 SEN. DUNCAN: Thank you for your
6 appearance today.

7 SEN. SHAPLEIGH: Mr. Chair?

8 **QUESTIONS FROM SENATE FLOOR**

9 SEN. DUNCAN: Oh, I'm sorry. Excuse me.
10 Sen. Shapleigh?

11 SEN. SHAPLEIGH: Can we just mark this
12 as an exhibit and make it part of the record? Is it
13 already admitted?

14 SEN. DUNCAN: I think -- have we not
15 done that? We've already admitted that, Senator.

16 SEN. SHAPLEIGH: Thank you.

17 SEN. DUNCAN: Yes, sir. Thank you.

18 **TESTIMONY BY PATTI EDELMAN**

19 SEN. DUNCAN: Patti Edelman?

20 Ms. Edelman --

21 MS. EDELMAN: Thank you.

22 SEN. DUNCAN: -- name and address -- or
23 name and who you represent, and please observe the
24 time limit.

25 MS. EDELMAN: My name is Patti Edelman,

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1 and I'm a resident of Austin, Texas. I'm here
2 representing myself. Mr. President and Senators,
3 thank you for the opportunity to speak today. It
4 looks like we've been here so long that I'm about
5 ready to join AARP.

6 I have an elderly mother that lives in
7 East Texas, and as a lot of people have stated, it
8 would be a hardship for her to have to produce a
9 driver's license or some other form of picture ID. At
10 her age, she doesn't get out much, and she certainly
11 hasn't driven in years, and I know the drivers in her
12 community are thankful for that.

13 Having been an Election Official and a
14 poll worker here in Travis County, I can assure you
15 that no dead people have come to vote at the precincts
16 where I have worked. Nothing is more sacred to
17 Americans than the right to vote, and I believe it is
18 the responsibility of all citizens to vote.

19 This bill does not address voters who
20 use mail ballots to vote in Texas, but are not -- not
21 residents of Texas and, in fact, have voted in more
22 than one state, such as a number of Republicans in
23 Polk County who are members of a group called The
24 Escapees.

25 Lastly, I ask that -- oh, I want to

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1 state that anyone who has run a campaign, especially
2 like you, Lieutenant Governor Dewhurst, that's run a
3 statewide campaign, knows the expense of putting out
4 information to voters in multiple media markets in a
5 state the size of ours. And the cost that will be
6 borne by the citizens of the State of Texas in order
7 to educate the voters of this state to the changes and
8 the requirements in order for them to do what they've
9 been able to do very easily and freely for a long
10 time, it's a shame that we would be spending our
11 hard-earned tax dollars on such -- I won't call it
12 frivolous, but I think quite unnecessary expenditure
13 at this point in time.

14 We have lots of other budget -- budget
15 problems, many constraints, a lot of people hurting,
16 and to use our tax dollars in this manner I find is
17 unconscionable. Thank you.

18 SEN. DUNCAN: Thank you for your
19 testimony. Hold on. Are there any questions of the
20 witness?

21 (No response)

22 SEN. DUNCAN: The Chair hears none.
23 Thank you for your appearance today.

24 **TESTIMONY BY SYLVIA MENDOZA**

25 SEN. DUNCAN: The Chair calls Sylvia

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1 Mendoza. Ms. Mendoza, please state your name and who
2 you represent, and please observe the three-minute
3 time limit.

4 MS. MENDOZA: My name is Sylvia Mendoza,
5 and I represent myself. Do you know what the
6 definition of "illegal" is? It is "banned, forbidden,
7 prohibited, unlawful, not legal, wrong, unjust and
8 unconstitutional." Even though it is
9 unconstitutional, voter fraud has been committed. One
10 reason there may not be too many documented cases of
11 voter fraud is because exactly that, it was fraud,
12 some got away with it.

13 I'm a 54-year-old third generation
14 American. I've had a social security card since about
15 the age of 14, but you see, one of these is a fake,
16 yet they all look the same. It was easy to acquire
17 and it is accepted as valid. That means there could
18 be a traitor somewhere.

19 Right now it is almost as easy to
20 sometimes get by without having the legal right to
21 vote. A lot of people voted this Presidential
22 Election, people who had never voted before. Yes, I
23 know a lot of people voted for the reason of who we
24 would be voting for. Some of those people did not
25 honor and respect the right to vote before. They

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1 didn't love America until now. What a shame.

2 I feel now is the time for voter ID to
3 prepare for the future. If you do it now -- if you
4 don't do it now, you will be voting for it later.
5 You-all have a duty to us citizens as lawmakers, so do
6 your job and make this a deterrent to prepare and to
7 make it nearly impossible for voter fraud. Anyone who
8 votes against it is not doing everything within their
9 power for this great state within this great country.
10 Vote for voter ID, SB 362.

11 On the national level, the government
12 says the system is broken on certain aspects of it.
13 Do not make the same mistake. Pass Senate Bill 362.
14 Thank you.

15 SEN. DUNCAN: Thank you. Members, are
16 there any questions of Ms. Mendoza?

17 (No response)

18 SEN. DUNCAN: The Chair hears none.
19 Thank you for your appearance today. You had an
20 exhibit. She does have an exhibit, or she has -- she
21 wants to put her testimony in. We'll mark that as
22 Exhibit 54, Ms. Mendoza's statement or testimony.

23 (Exhibit No. 54 marked and admitted)

24 **TESTIMONY BY KENNETH KOYM**

25 SEN. DUNCAN: The Chair calls Kenneth

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1 Koym. Mr. Koym, state your name, who you represent,
2 and please observe the three-minute time limit.

3 MR. KOYM: Creating barriers and hate
4 crime is not the part of a Texas Legislature. It
5 should not be done. Passing SB 362 is a hate crime,
6 and I urge that you get honest, very honest with
7 yourselves.

8 My name is Kenneth Koym. I'm a
9 psychotherapist, and I am licensed by this state. I'm
10 licensed by other countries. It is irrational to do
11 what this Senate is talking about doing. I do not
12 accept it. It is unbecoming, Tommy, for you to call
13 somebody a political --

14 SEN. DUNCAN: I'm sorry, sir, you
15 addressed a Senator by his formal name. And also if
16 you could -- I understand your passion for the issue,
17 but please observe the decorum of the Senate. You can
18 have an extension of about -- well, you're running
19 okay. We'll give you a little bit more over your time
20 limit.

21 MR. KOYM: I have served the United
22 States professionally. I'm a military research
23 scientist retired. I'm a marriage and family
24 therapist. I feel that it is time that every law
25 comes under the task of the Hate Crimes Act of the

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1 United States. It is a federal law, and I urge that
2 this bill be reviewed in that term. It is absolutely
3 the requirement of this nation to stop all this hate.

4 I saw it here. I had my white cap on to
5 keep me warm through the night. I froze, and I feel
6 cold despair. I feel the despair, though, that the
7 U.S. citizens are feeling with regard to more and more
8 hate crimes. And this -- this Senate should not pass
9 this bill and pass -- and commit a hate crime. It is
10 dishonorable, it is un-American, and I urge that it
11 not happen. Please vote against this bill.

12 SEN. DUNCAN: Thank you, Mr. Koym. Are
13 there any questions of the witness?

14 (No response)

15 SEN. DUNCAN: The Chair hears none.
16 Thank you for your appearance here today.

17 MR. KOYM: I will (inaudible) by mail.

18 SEN. DUNCAN: You can send it to the
19 Secretary of the Senate. It will not be in the
20 record.

21 MR. KOYM: Fine.

22 **TESTIMONY BY KAREN RENICK**

23 SEN. DUNCAN: All right. Ms. Karen
24 Renick? Ms. Renick, please state your name and who
25 you represent, and please observe the three-minute

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1 time limit.

2 MS. RENICK: My name is Karen Renick. I
3 am the founder and current Director of Vote Rescue, a
4 nonpartisan citizens' group based here in Austin. We
5 are concerned with election integrity and
6 transparency.

7 Since early 2005 we've been alerting the
8 public and our government officials about the serious
9 assault on our voting rights by the total absence of
10 both integrity and transparency in the voting process
11 used throughout Texas today.

12 Before I continue with my contents --
13 comments specific to SB 362, I feel compelled to first
14 set the record straight about the infamous misdeeds in
15 a certain Senate Primary Election here in Texas 61
16 years ago in 1948. I feel compelled because these
17 misdeeds have been incorrectly used as an example of
18 voter fraud when, in fact, it was clearly election
19 fraud committed by Election Officials, not voters.

20 The Senate Primary race was between
21 Lyndon Johnson and Coke Stevenson, who was a popular
22 conservative governor. I'd like to read now from the
23 book called Steal This Vote, Dirty Elections and the
24 Rotten History of Democracy in American, written by
25 the well-known journalist Andrew Gumbel.

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1 "On election night, Stevenson was ahead
2 by 854. The following night Johnson made up almost
3 all the difference thanks to late-breaking returns
4 from Houston and one precinct in Duval County. Four
5 days after the election, though, Stevenson was up
6 again by a seemingly insurmountable 362. After six
7 days with nothing obvious left to count, Stevenson was
8 still leading by 113. Johnson needed a miracle and
9 got one courtesy of an election enforcer by the name
10 of Luis Salas in Jim Wells County, one county over
11 from Duval."

12 "At the 13th precinct in Alice, the Jim
13 Wells County Seat, Salas artfully had a seven in one
14 of the vote totals changed into a nine by the addition
15 of a simple loop giving Johnson an extra 200 votes and
16 with them the election. Stevenson traveled down to
17 Alice, examined the electoral register and noticed
18 that at least -- or that the last 200 names appeared
19 in strict alphabetical order and were written in a
20 different color ink from the rest."

21 "Legal challenges continued for a while,
22 but increasingly frustrated Stevenson then sued to
23 have the ballot boxes opened and the votes examined
24 and recounted, but in the absence of concrete proof of
25 fraud, he could not make up the case -- make the case.

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1 When even the Supreme Court refused to hear him, he
2 gave up for good, and the rest is history."

3 SEN. DUNCAN: Thank you, Ms. Renick.
4 Members, are there any questions for Ms. Renick?

5 (No response)

6 SEN. DUNCAN: The Chair hears none. We
7 appreciate your appearance here today.

8 Members, just out of an abundance of
9 caution, I'm going to make one last call for a Roxann
10 Lewis. I think we called her earlier, but if she is
11 in the building, she needs to report immediately. And
12 if she does not report before we close or hear the
13 last witness, then she'll miss her opportunity to
14 testify live, and we'll just put her card in.

15 The next witness -- Members, we have
16 three more, I think, that would love to -- that are
17 here to testify before us.

18 **TESTIMONY BY JONI ASHBROOK**

19 SEN. DUNCAN: Joni Ashbrook?
20 Ms. Ashbrook, would you please state your name and who
21 you represent? And please observe the three-minute
22 time limit.

23 MS. ASHBROOK: Yes, sir. My name is
24 Joni Ashbrook. I represent myself. I'm a precinct
25 chair, and I have been an election judge in Bastrop

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1 County.

2 I appreciate Sen. Fraser's comments that
3 the intent of this bill is to help people vote.
4 However, I'm having an incredibly hard time
5 understanding how this bill will actually do that.

6 I often walk. I don't understand how it
7 will help the very poor, elderly and disabled people
8 in my precinct that I often walk and see. I see how
9 incredibly difficult their circumstances are. And
10 when they're trying to just keep a crumbling roof over
11 their heads, how is keeping -- or how is asking them
12 or requiring them to have more paperwork and possibly
13 more cost help them with their sacred right to vote?

14 Sen. Fraser also said that voter fraud,
15 no matter how small, should be addressed. I totally
16 agree, but since there's no real threat -- or excuse
17 me -- no real evidence of voter fraud in Texas that
18 this bill would address, why isn't this body looking
19 for the real threats to the integrity of our
20 elections?

21 The first and foremost threat to the --
22 to our elections is the use of electronic voting
23 machines that count our votes in secret and run
24 software that we, the people, are not allowed to see.
25 There have been studies done by the GAO, the Brennan

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1 Center for Justice, Princeton, Carter-Baker
2 Commission, just to name a few that have concluded
3 that these machines are not secure and can be
4 manipulated.

5 This is not a trumped-up charge about
6 one person risking deportation or prosecution to cast
7 a single vote. This is the ability for one person to
8 manipulate millions of votes in secret. When Senator
9 Fraser spoke of loss of voter confidence in our
10 electoral system, this is enemy number one.

11 There's another real problem that I
12 would like to see this body address, and that -- and
13 the Secretary of State even admits can cause multiple
14 votes. It happened -- an incident happened in my
15 precinct in 2008, the General Election. My polling
16 place had two computers. That was the database where
17 people would come to check in. A man came through
18 early in the morning, he voted. He came back through,
19 he happened to be a friend of the election judge, the
20 Republican. And he said "I want to test the system."
21 So he went through again at the same computer that he
22 went to. He was not allowed to vote. He went to the
23 next computer. He was allowed to vote. We stopped it
24 when it came to the ticket that was coming out, the
25 sticker, but he was allowed -- he would have been

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1 allowed to vote.

2 I called the Secretary of State's
3 Office. They agreed with me that this is possible.
4 The machines do not talk to one another. So I think
5 that's probably what those other two people were
6 talking about. Is that my time?

7 SEN. DUNCAN: Ms. Ashbrook, I'm sorry,
8 your time is up. Let me ask if there are any members
9 who would like to ask a question.

10 (No response)

11 SEN. DUNCAN: The Chair hears none. We
12 appreciate your appearance in the Texas Senate today.

13 MS. ASHBROOK: Thank you.

14 **TESTIMONY BY DUANE RAWSON**

15 SEN. DUNCAN: The Chair calls Duane
16 Ronson -- Rawson. Mr. Rawson, please state your name
17 and who you represent, and please observe the
18 three-minute time limit.

19 MR. RAWSON: My name is Duane Rawson
20 from Goldthwaite, Texas, Mills County, and I'm Mills
21 County Republican Chairman there, and I've been here
22 since yesterday. Oh, I'm sorry. I've been here since
23 yesterday about between 9:30 and ten o'clock. I have
24 sat -- I've listened to all reasoning why this should
25 be approved, why it shouldn't be approved.

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1 But the main thing that they were saying
2 as far as for voter fraud, you have people that say it
3 doesn't exist, but yet we've had the Secretary of
4 State that showed examples why it did -- why we did
5 need something like this.

6 The voters registration is -- it's an
7 easy thing to copy. Voters ID there's -- it's a law,
8 first of all, that you're supposed to have some type
9 of ID with you when the authorities pull you over.
10 And if you don't, by rights they have to take you to
11 jail because you don't have the proper means of ID,
12 which causes the state money having to do that.

13 If you look at it, if you have -- if the
14 people -- as people are saying, \$35,000 or less can't
15 afford this, which I don't see what there is to afford
16 because it's free. If they have the opportunity to
17 have the proper ID, it may help them to want to keep
18 their ID card with them and help taxpayers as far as
19 not having to pay the law enforcement, the extra money
20 of having to arrest that individual, taking them to
21 jail, booking them, returning them after the court
22 trial.

23 There's a lot of reasons why I feel that
24 we do need it. I am a disabled vet. I've been in the
25 military for 16-1/2 years. I continue to support my

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1 country. And if this is what I need to do to be able
2 to have my constitutional right to vote, by God I'll
3 be -- I'll do it with pride. I keep two forms of ID
4 with me anyway. So having to carry ID with me to vote
5 it's not -- it shouldn't be a problem.

6 We can always find a reason to fight
7 against something. What about trying to find a reason
8 to work together to try to make something work that's
9 going to better us?

10 I spoke to veterans and law enforcement
11 from my county, Mills County, and they state the same
12 thing. They feel that this bill should be approved.
13 That's all I have.

14 SEN. DUNCAN: Thank you, Mr. Rawson.
15 Members, do you have any questions for Mr. Rawson?

16 (No response)

17 SEN. DUNCAN: The Chair hears none.
18 Thank you for your appearance today, and I think you
19 go out to the -- to the right.

20 **TESTIMONY BY ROD FLUKER**

21 SEN. DUNCAN: The Chair recognizes
22 Dr. Rod Fluker. Mr. Fluker, state your name, who you
23 represent, and please observe the three-minute time
24 limit.

25 MR. FLUKER: To the distinguished and

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1 shall I say sleep-deprived Members of the Texas
2 Senate, my name is Dr. Rod Fluker, and I am a Past
3 President of the organization and now Executive
4 Director of the Texas Association of Black Personnel
5 in Higher Education.

6 Today I bring you greetings from our
7 State Board of Directors and from Dr. Felicia Scott,
8 our State President. The Texas Association of Black
9 Personnel in Higher Education, or TABPHE as we call
10 it, is an educational organization of faculty, staff
11 and administrators that numbers hundreds statewide.
12 TABPHE was founded 36 years ago to address pertinent
13 issues that impact African-Americans in particular and
14 people of color in general.

15 Senate Bill 362 or the voter ID bill
16 causes our members and many others grave concerns
17 about the negative impact of passing such useless and
18 harmless legislation will have on the voting rights of
19 millions of already disenfranchised Texans.

20 We believe that laws should be created
21 to promote civil living and/or right a wrong. The
22 voter ID bill does neither. Promoting civil living
23 would mean to make it easier for Texans to vote, not
24 make it more difficulty. Adding new barriers such as
25 additional ID requirements is likened to the Negro

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1 poll taxes and voting competency tests used during the
2 days of the Jim Crow Laws and as recently as the
3 1960s. So this legislation works against promoting
4 civil living.

5 This useless and harmless legislation
6 also fails to right any wrong. The fact is that there
7 is no evidence of significant voter fraud, period. Of
8 millions of votes cast in Texas during the last six
9 years, voter impersonation is practically nonexistent,
10 both in Texas and across our nation.

11 Therefore, the Texas Association of
12 Black Personnel in Higher Education ask that all state
13 Senators, both Republican and Democrat, as good
14 ambassadors of the people of Texas to vote against
15 Senate Bill 362. Thank you.

16 SEN. DUNCAN: Thank you, Dr. Fluker.
17 Are there any questions for Dr. Fluker?

18 (No response)

19 SEN. DUNCAN: All right. The Chair
20 hears none. Thank you for your appearance today in
21 the Texas Senate.

22 Members, we had a number of people
23 testify or signed up to testify -- oh, excuse me.
24 Dr. Fluker wants to submit Exhibit 64 as his
25 testimony. Thank you, Dr. Fluker. Exhibit 54,

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